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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197584
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JOHNSON & JOHNSON,

Opposer,

v.

Opposition No. 91-197584

VALENTINO GITTO,

Applicant.

**NOTICE OF FILING OF CERTIFIED TRANSCRIPT OF THE TESTIMONIAL
DEPOSITION OF WILLIAM COLLINS AND EXHIBITS**

PLEASE TAKE NOTICE that, pursuant to 37 CFR § 2.125(c), Opposer, Johnson & Johnson, is filing with the Trademark Trial and Appeal Board a certified transcript of the deposition of William Collins and Exhibits. Pursuant to 37 CFR § 2.125(e), portions of this transcript and accompanying exhibits have been redacted for purposes of shielding confidential information. An unredacted version of the transcript is filed concurrently herewith. Pursuant to 37 CFR § 2.125(a), a copy of the transcript of the testimonial deposition of William Collins and copies of the Exhibits have been served on Applicants by first class mail, postage prepaid.

Respectfully submitted,

JOHNSON & JOHNSON

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Transcript and Deposition of William Collins and Exhibits was served by international mail, first class, postage paid, this 29th day of August 2013 on the following address of record for Applicant:

Valentino Gitto
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An additional courtesy copy was sent via electronic mail to valentin_gitto@yahoo.fr

_____s/Darren S. Cahr/

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 In re Ser. No. 79/061,192 - POSITIVE AGEING & Design
4 Published July 27, 2010

5 _____ Opposition No. 91/197584

6 JOHNSON & JOHNSON,

7 Opposer,

8 -v-

9 VALENTINO GITTO,

10 Applicant.
11 _____

TESTIMONIAL
DEPOSITION OF
WILLIAM COLLINS

12
13 T R A N S C R I P T of testimony taken
14 stenographically by and before MARGARET
15 VOLLMUTH-CORSON, a Certified Court Reporter and
16 Notary Public of the State of New Jersey, at the
17 offices of DRINKER BIDDLE & REATH, LLP, 105 College
18 Road East, Princeton, New Jersey, on Tuesday, May
19 21, 2013, commencing at approximately 9:50 a.m.
20
21
22

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<p style="text-align: right;">6</p> <p>1 WILLIAM COLLINS, with offices at</p> <p>2 Johnson & Johnson Consumer Products Company, 199</p> <p>3 Grandview Road, Skillman, New Jersey, having been</p> <p>4 duly sworn, testified as follows:</p> <p>5 EXAMINATION BY MR. CAHR:</p> <p>6 Q. Could you please state your name for</p> <p>7 the record?</p> <p>8 A. William Hittner Collins.</p> <p>9 Q. And who's your employer?</p> <p>10 A. Johnson & Johnson Consumer Companies,</p> <p>11 Inc.</p> <p>12 Q. And do you know why you are here today?</p> <p>13 A. Yes.</p> <p>14 Q. Why are you here today?</p> <p>15 A. For a trademark deposition.</p> <p>16 MR. CAHR: And let the record reflect</p> <p>17 that this is the testimonial deposition of William</p> <p>18 Collins in connection with Opposition No. 91/197584</p> <p>19 in the United States Patent and Trademark Office</p> <p>20 Before the Trademark Trial and Appeal Board, and</p> <p>21 this is the matter between Johnson & Johnson and</p> <p>22 Valentino Gitto.</p> <p>23 Q. Now, you mentioned that you worked for</p> <p>24 a company that we will shorten to JJCCI. What is</p> <p>25 the connection between JJCCI and Johnson & Johnson?</p>	<p style="text-align: right;">Collins - Cahr 8</p> <p>1 Q. Now, you said that your -- well,</p> <p>2 actually, provide your job title once more?</p> <p>3 A. Yeah. I am the brand manager on</p> <p>4 Aveeno Facial Care.</p> <p>5 Q. And why don't we start, and you can</p> <p>6 describe what your education is. Where did you go</p> <p>7 to school?</p> <p>8 A. I did my undergraduate at Duke</p> <p>9 University in Durham, North Carolina. Graduated in</p> <p>10 1999.</p> <p>11 Q. And what was your major?</p> <p>12 A. My major was public policy studies and</p> <p>13 minor in marketing.</p> <p>14 Q. And what did you do after you graduated</p> <p>15 in 1999 from Duke?</p> <p>16 A. I worked at Capital One in Richmond,</p> <p>17 Virginia and worked in operations in HR. Worked</p> <p>18 there for two years and then moved to a company</p> <p>19 called Fiserv in 2002 and worked there for two years</p> <p>20 as a corporate trainer, corporate facilitator</p> <p>21 trained on HR policy and on team building,</p> <p>22 communications, those sorts of things, and then took</p> <p>23 a job in 2004 working for Chesapeake Capital Corp.,</p> <p>24 which is a hedge fund in Richmond, Virginia, and</p> <p>25 there I worked as the assistant to the C.E.O. He</p>
<p style="text-align: right;">Collins - Cahr 7</p> <p>1 A. It's a wholly owned subsidiary.</p> <p>2 Q. And as far as you know, who owns the</p> <p>3 trademark Positively Ageless that is at issue in</p> <p>4 this trademark opposition?</p> <p>5 A. Johnson & Johnson.</p> <p>6 Q. And the testimony you are providing in</p> <p>7 connection with this discussion today reflects the</p> <p>8 knowledge of Johnson & Johnson and JJCCI. Is that</p> <p>9 correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Thank you.</p> <p>12 So let's first start with what we will</p> <p>13 mark as Exhibit 1. Opposer's Exhibit 1. Have you</p> <p>14 seen this document before?</p> <p>15 A. Yes.</p> <p>16 Q. And what is this document?</p> <p>17 A. It's a notice of trial deposition for</p> <p>18 myself against the applicant.</p> <p>19 Q. And if you look on page 2, you will</p> <p>20 note that it was -- does that say "Certificate of</p> <p>21 Service"?</p> <p>22 A. So the applicant was invited to attend</p> <p>23 today for the trial deposition.</p> <p>24 MR. CAHR: And let the record reflect</p> <p>25 that the applicant has chosen not to attend.</p>	<p style="text-align: right;">Collins - Cahr 9</p> <p>1 enjoyed the research and trading aspect but not the</p> <p>2 running the business aspect, so I did the helping</p> <p>3 him run the business aspect, so I did ad hoc</p> <p>4 projects for him. Worked for him for three years.</p> <p>5 In the fall of 2007 I returned to business school.</p> <p>6 I went to the University of North Carolina,</p> <p>7 Kenan-Flagler Business School. Began there in</p> <p>8 August of 2007. After my first year of business --</p> <p>9 I went there knowing that I wanted to work in</p> <p>10 marketing and specifically in brand management.</p> <p>11 After my first year of business school</p> <p>12 I took an internship at Johnson & Johnson Consumer</p> <p>13 Companies, Inc., and my assignment was to work on</p> <p>14 the Aveeno Facial Care team, and my project was</p> <p>15 around launching a new technology against antiaging</p> <p>16 and the antiaging skin care category as well as a</p> <p>17 couple of other projects around digital Web site</p> <p>18 stuff as well as some competitive analysis.</p> <p>19 Returned to school, I was full-time at</p> <p>20 the M.B.A. program. Graduated in 2009 from UNC and</p> <p>21 then took a job full-time also with Johnson &</p> <p>22 Johnson Consumer Companies, Inc. working in skin</p> <p>23 care. In the skin care division I was assigned --</p> <p>24 worked on Clean & Clear, worked there for two years,</p> <p>25 and then in September of 2011 took a job -- took the</p>

<p>Collins - Cahr 10</p> <p>1 current role that I have on Aveeno Facial Care.</p> <p>2 Q. So you've been working with Aveeno for</p> <p>3 18 months --</p> <p>4 A. Yes.</p> <p>5 Q. -- or so in addition to the time that</p> <p>6 you spent as an intern?</p> <p>7 A. Correct.</p> <p>8 Q. And you were in charge of managing what</p> <p>9 element of the portfolio?</p> <p>10 A. Yep. So Aveeno is a large brand, a</p> <p>11 master brand that -- as we refer to it as a master</p> <p>12 brand that works in a number of categories. The way</p> <p>13 we divide up the management is based on the segment</p> <p>14 that they work in, so how consumers shop the</p> <p>15 different categories. My portfolio responsibility</p> <p>16 is in the facial care side as well as the men's skin</p> <p>17 care side, so basically anything to do with your</p> <p>18 face, and those responsibilities are understanding</p> <p>19 the strategy on how we're going to grow the business</p> <p>20 and how we're going to maximize our investment from</p> <p>21 a marketing standpoint, from a trade and retail</p> <p>22 standpoint, and ultimately how we're going to</p> <p>23 provide products to consumers that will meet their</p> <p>24 skin care needs.</p> <p>25 Q. And what is your responsibility over</p>	<p>Collins - Cahr 12</p> <p>1 skin. Positively Ageless is for fine lines,</p> <p>2 wrinkles, and antiaging, which is about 40 percent</p> <p>3 of the overall skin care market in the U.S. When we</p> <p>4 look at our competitive data, 40 percent of that is</p> <p>5 antiaging, and so this is our -- these are our</p> <p>6 product lines that address those skin care needs</p> <p>7 that are sought by women looking for improved lines,</p> <p>8 wrinkles, those sorts of things.</p> <p>9 Q. So it's fair to say that the antiaging</p> <p>10 space is one of the critical spaces --</p> <p>11 A. Yes.</p> <p>12 Q. -- for Aveeno?</p> <p>13 A. Um-hum. Yes. And when we think about</p> <p>14 our category the two biggest bases, the things that</p> <p>15 are most sought after, are really acne care and</p> <p>16 antiaging. That's the bulk of the skin care needs</p> <p>17 that are sought by consumers. So antiaging being a</p> <p>18 major player for the category, but also a critical</p> <p>19 point for us in our credentials in facial care.</p> <p>20 Q. Now, is Positively Ageless the mark</p> <p>21 that you associate with all of the Aveeno antiaging</p> <p>22 products?</p> <p>23 A. Yes.</p> <p>24 Q. And tell me a little bit about the</p> <p>25 development of the Positively Ageless mark and where</p>
<p>Collins - Cahr 11</p> <p>1 the branding of the products in the facial care</p> <p>2 space?</p> <p>3 A. So the typical role of a brand manager</p> <p>4 is to be the person that is the expert on the</p> <p>5 equity, is the person that is maintaining</p> <p>6 consistency of the execution of that equity between</p> <p>7 marketing materials, between trade materials, any</p> <p>8 sort of communication on packaging, as well as</p> <p>9 understanding how to pull on the different levers of</p> <p>10 the equity to build a unique proposition to the</p> <p>11 consumer.</p> <p>12 Q. And what is the space that is occupied</p> <p>13 in the spectrum of brands that you've described --</p> <p>14 A. Yep.</p> <p>15 Q. -- for Positively Ageless?</p> <p>16 A. Yep. So in our facial care portfolio</p> <p>17 we have a couple different subplatforms of Aveeno</p> <p>18 that deal with different skin care needs. We have a</p> <p>19 Positively Radiant line, we have a Clear Complexion</p> <p>20 line, Ultra-Calming line, and a Positively Ageless</p> <p>21 line, and the intent of that is to have different</p> <p>22 skin care needs, the major skin care needs that</p> <p>23 consumers are looking for addressed by each of those</p> <p>24 platforms. Example being Clear Complexion is around</p> <p>25 our acne products. Ultra-Calming is for sensitive</p>	<p>Collins - Cahr 13</p> <p>1 it's been and where it's going?</p> <p>2 A. So we launched in 2007, and it's the</p> <p>3 -- it was the fourth line. We had launched those</p> <p>4 other platforms that I mentioned before, and this</p> <p>5 was our move into antiaging. I wasn't with the</p> <p>6 organization, but my understanding of the thought</p> <p>7 behind this is this is a suggestive mark that allows</p> <p>8 us to communicate the need that we have for fine</p> <p>9 lines, wrinkles. As women age we want to be able to</p> <p>10 move them to different platforms within the Aveeno</p> <p>11 portfolio, so once a particular skin care is met,</p> <p>12 their need is met, they move on to more</p> <p>13 sophisticated needs, and Positively Ageless is our</p> <p>14 -- is priced higher, is our more premium priced</p> <p>15 product because of the fact that the benefits sought</p> <p>16 and the benefits of the product are what we call</p> <p>17 higher order, are ones that are a higher bar. Women</p> <p>18 are often looking for hope in the bottle, often</p> <p>19 looking for this desire to solve and look younger</p> <p>20 and find ways to address those lines, wrinkles,</p> <p>21 elasticity, those sorts of things.</p> <p>22 Q. And has the Positively Ageless mark</p> <p>23 been used differently over the years from when you</p> <p>24 first started using it until now?</p> <p>25 A. No. It's been very consistent the way</p>

<p style="text-align: right;">Collins - Cahr 14</p> <p>1 we've -- the way we've used it. We have expanded</p> <p>2 beyond the facial care category and gone into the</p> <p>3 body lotion category and hand lotion category. Like</p> <p>4 I said, Aveeno is divided up into a couple of</p> <p>5 different segments under that brand, and we use the</p> <p>6 platforms at times to be able to expand to adjacent</p> <p>7 categories.</p> <p>8 Q. And has Positively Ageless been a</p> <p>9 useful and successful brand for Aveeno?</p> <p>10 A. Yes, it has. It's currently our third</p> <p>11 largest, at one point was our second largest</p> <p>12 subplatform under facial care and continues to be</p> <p>13 one of our core priority platforms.</p> <p>14 Q. And we'll get into this a little bit</p> <p>15 later also, but has it been successful to the extent</p> <p>16 that you're now expanding the size of the mark on</p> <p>17 the packaging too?</p> <p>18 A. Yeah.</p> <p>19 Q. Can you explain a little bit about</p> <p>20 that?</p> <p>21 A. Yeah. If you look at the original</p> <p>22 packaging, we continue to try to find ways to</p> <p>23 communicate more clearly the benefits of our product</p> <p>24 to our consumers as they're shopping our set, and if</p> <p>25 you look at the last two products that were</p>	<p style="text-align: right;">Collins - Cahr 16</p> <p>1 Q. Okay. Thank you.</p> <p>2 The mark Positively Ageless is used on</p> <p>3 a variety of different products you had said?</p> <p>4 A. Yep.</p> <p>5 Q. And actually, before we get into that</p> <p>6 let me actually show you this document, which is a</p> <p>7 printout from August 4, 2008. Have you seen this</p> <p>8 document before?</p> <p>9 A. I have.</p> <p>10 Q. And what is this document?</p> <p>11 A. So this is a printout of the product</p> <p>12 offerings that we had on drugstore.com under the</p> <p>13 Positively Ageless platform.</p> <p>14 Q. And do you have reason to believe that</p> <p>15 this document was used as part of the registration</p> <p>16 process for the Positively Ageless trademark?</p> <p>17 A. Yes. Yep.</p> <p>18 Q. Okay. Thank you.</p> <p>19 MR. CAHR: Oh, I'm sorry. My</p> <p>20 apologies. This is Opposer's Exhibit No. 3 which</p> <p>21 the witness was examining.</p> <p>22 Q. Now, you had mentioned that there's a</p> <p>23 variety of different products. We're just going to</p> <p>24 go through those and have you identify them.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Collins - Cahr 15</p> <p>1 launched, the newest products, what we've done is</p> <p>2 put Positively Ageless each on their own line and</p> <p>3 also increased the font size so that it's clear for</p> <p>4 consumers to understand that this is our antiaging</p> <p>5 product, and that it is, like I said, suggestive of</p> <p>6 the benefits that they would want to seek.</p> <p>7 Q. So you basically -- you believe the</p> <p>8 consumers have sort of a basket of associations with</p> <p>9 the mark, and you want to highlight that?</p> <p>10 A. Yes. Yes.</p> <p>11 Q. Now, the next exhibit which is</p> <p>12 Opposer's Exhibit No. 2, have you seen this before?</p> <p>13 A. Yes.</p> <p>14 Q. And can you please describe for the</p> <p>15 record what that is?</p> <p>16 A. This is the trademark registration for</p> <p>17 Positively Ageless.</p> <p>18 Q. And can you read for the record what</p> <p>19 the description of the goods is for that?</p> <p>20 A. Yep. It's for skin care preparations,</p> <p>21 namely; skin cleansers, skin moisturizers, skin</p> <p>22 creams and serums, and eye creams in Class 3.</p> <p>23 Q. And the first use date is listed as</p> <p>24 what?</p> <p>25 A. Is 5/4/2007.</p>	<p style="text-align: right;">Collins - Cahr 17</p> <p>1 Q. This first one is Opposer's Exhibit No.</p> <p>2 4. Can you please describe for the record what that</p> <p>3 is?</p> <p>4 A. Yep. This is our Positively Ageless</p> <p>5 -- the Aveeno Positively Ageless Complete Antiaging</p> <p>6 System. It is made up of four products in our line:</p> <p>7 A cleanser, an eye cream, a day product, and a night</p> <p>8 cream product. And the intent of this is to be the</p> <p>9 full regimen of what a consumer would need to</p> <p>10 address their antiaging needs.</p> <p>11 Q. And if you'd take a look at this, which</p> <p>12 is Opposer's Exhibit No. 5?</p> <p>13 A. Yep. This is our Aveeno Positively</p> <p>14 Ageless Resurfacing Scrub. This was the product</p> <p>15 that I mentioned earlier we launched in the</p> <p>16 beginning of last year with the more prominent use</p> <p>17 of the platform name, and this product is used to</p> <p>18 exfoliate, to smooth out uneven tone. It's a</p> <p>19 cleanser for the most part.</p> <p>20 Q. And this is marked as Opposer's Exhibit</p> <p>21 No. 6.</p> <p>22 A. This is the Aveeno Positively Ageless</p> <p>23 Correcting Tinted Moisturizer, and this is a product</p> <p>24 with a slight tint to it. Light to medium is the</p> <p>25 spectrum of skin care. It also has SPF in it, and</p>

1 it's used to provide coverage, natural looking
2 coverage, as well as addressing some of the
3 antiaging benefits.

4 Q. And this is marked as Opposer's Exhibit
5 No. 7. Can you identify that, please?

6 A. Yep. This is Aveeno Positively
7 Ageless Skin Strengthening Body Cream. Like I
8 mentioned before, this is one of the adjacent
9 categories that we launched Positively Ageless into,
10 and the intent is used as a body cream as not only
11 do women face skin and antiaging needs on their
12 face, obviously, their full body, and so we launched
13 into body care for dry and fragile skin in helping
14 to restore that -- restore and strengthen that skin.

15 Q. And this is Opposer's Exhibit No. 8.

16 A. This is the Aveeno Positively Ageless
17 Daily Exfoliating Cleanser. This is a gel cleanser
18 that was part of the initial launch in 2007, and
19 again, is a daily cleanser that's used to help
20 improve the look of skin.

21 Q. And just so the record is clear on
22 this, this is one which uses Positively Ageless in a
23 smaller font --

24 A. Correct.

25 Q. -- than some of the other ones that

1 we've seen?

2 A. Yes.

3 Q. When did the transition begin from the
4 smaller font to the larger font?

5 A. It was last year, 2012.

6 Q. And that's because it's a brand that
7 you wanted to highlight?

8 A. Correct.

9 Q. And we'll be getting to some of the
10 specific documents relating to this shortly, but is
11 this a brand that your employer has spent a lot of
12 money promoting?

13 A. Yes. It's a product that since launch
14 in 2007 we've invested media behind as well as trade
15 programs, public relations dollars and effort
16 behind, bringing attention and awareness to our
17 product line.

18 Q. And do you have any idea how much money
19 Johnson & Johnson or its subsidiary JJCCI has spent?

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

4 Q. On products specifically branded as
5 Positively Ageless and building that specific brand?

6 A. Correct. Not -- we have additional
7 dollars that we've invested on other platforms as
8 well as Aveeno, the overall equity, but specific to
9 Positively Ageless.

10 Q. Okay. This is Opposer's Exhibit No. 9.
11 If you could just identify that?

12 A. Yep. This is the Aveeno Positively
13 Ageless Youth Perfecting Moisturizer. This was also
14 a product that was part of the initial launch in
15 2007. It has SPF 30 in it, and the intent and use
16 of this is a daily moisturizer to improve the
17 healthy look of skin, as well as improve the look of
18 fine lines and wrinkles.

19 Q. And if you can identify this, which is
20 Opposer's Exhibit No. 10?

21 A. Yep. This is the Aveeno Positively
22 Ageless Lifting & Firming Eye Cream. The intent of
23 this product is to be more targeted treatment.
24 Women look to address their antiaging needs in
25 various areas on their face. One of the most sought

1 after benefits is around the eye, so dark circles,
2 wrinkles, crows feet, those sorts of skin needs, and
3 this product addresses those.

4 Q. All right. And this is Opposer's
5 Exhibit No. 11. Can you please identify that?

6 A. This is the Aveeno Positively Ageless
7 Skin Strengthening Hand Cream. As I mentioned
8 before, moving into adjacent categories, this is a
9 hand cream. Often we hear consumers cite a need to
10 address brittle or dry looking hands as they begin
11 to age, and this is a product that addresses those
12 needs.

13 Q. Thank you. And can you please identify
14 this document?

15 A. Yep. This is the Aveeno Positively
16 Ageless Restructuring Treatment Cream. This is
17 another product --

18 Q. And just for the record, this is
19 Opposer's Exhibit No. 12.

20 A. This is a product that serves as a
21 night cream or an overnight treatment, so it's one
22 that addresses full face antiaging needs and
23 benefits.

24 Q. Okay. And if you could please identify
25 Opposer's Exhibit No. 13?

Collins - Cahr 22

1 **A. Yes. This is the Aveeno Positively**
2 **Ageless Reconditioning Night Cream. It is similar**
3 **to the product we just talked about, but again**
4 **addressing the needs overnight and allowing --**
5 **allowing the moisturizer to seep in overnight and**
6 **continue to provide healthier looking skin, so it**
7 **nourishes you while you sleep to reduce the visible**
8 **signs of aging.**
9 **Q.** And finally if you'd take a look at
10 Opposer's Exhibit No. 14 and identify that for the
11 record?
12 **A. Yep. This is the entire current**
13 **Aveeno Positively Ageless product line. Everything**
14 **that is on this document is currently in**
15 **distribution and sold through various retailers that**
16 **we work with and have relationships with.**
17 **Q.** Okay. Now, just for the record,
18 exhibits -- the first photograph is Exhibit No. 4.
19 From Opposer's Exhibit No. 4 to Opposer's Exhibit
20 No. 14, these are all photographs that have been
21 taken of samples that you've personally brought to
22 the deposition. Is that correct?
23 **A. That's correct.**
24 **Q.** And so all of these are accurate images
25 reflecting the usage of Positively Ageless on

Collins - Cahr 23

1 packaging that you have brought from --
2 **A. That is correct.**
3 **Q.** -- your employer?
4 **A. That is correct.**
5 **Q.** Now, one of the things that I'm going
6 to talk about a little bit now is the brand equity
7 underlying Positively Ageless and underlying Aveeno.
8 **A. Okay.**
9 **Q.** Before I do that, can you explain for
10 the record what brand equity means?
11 **A. Yep. So brand equity is the**
12 **association that consumers have with a particular**
13 **brand. And so we compete with a number of products:**
14 **Olay, Neutrogena, L'Oreal, etcetera. Each of them**
15 **have a different meaning in the minds of a consumer**
16 **and a different perception in consumers, and so part**
17 **of my role as a brand manager is to make that**
18 **experience as positive as possible as well as**
19 **differentiate it and make it unique from the other**
20 **product offerings that are in our competitive set**
21 **that consumers would consider using, as well as to**
22 **highlight what the product benefits may be of a**
23 **particular brand.**
24 **Q.** Okay. And so sometimes the brand
25 equity is focused on the benefits, sometimes it's

Collins - Cahr 24

1 something which is tied to specific demographics?
2 **A. Um-hum.**
3 **Q.** Is that correct?
4 **A. Yeah. And I think the aspiration and**
5 **the ideal environment is one where it's an emotional**
6 **connection where consumers realize that this is a**
7 **product that is addressing something that is not**
8 **only a skin care need, a problem solution, but also**
9 **something that says something a little bit about**
10 **them. When you think about great brands of Nike, of**
11 **Starbucks, of Coca-Cola, there are things that have**
12 **an emotional connection to us for some reason, and**
13 **Aveeno is an example of a heritage brand that's been**
14 **around since the 1940s developed in the Mayo Clinic**
15 **as part of the oatmeal bath. When we talk to**
16 **consumers, consumers are always talking about the**
17 **soothing benefits and the skin benefits of the**
18 **products from Aveeno because of that heritage and**
19 **because of that connection from when they were a kid**
20 **and they had poison ivy or they had chicken pox, and**
21 **they addressed it with an oatmeal bath. And what**
22 **we've done is we invested behind the equity to**
23 **strengthen that positioning and further**
24 **differentiate what makes our products effective and**
25 **what makes our products one where consumers would**

Collins - Cahr 25

1 **choose them over others.**
2 **Q.** So there's specific brand equity in the
3 Aveeno mark, and then there's specific brand equity
4 in the Positively Ageless mark?
5 **A. That's correct.**
6 **Q.** So can you describe what the brand
7 equity is first of Aveeno and then --
8 **A. Yep.**
9 **Q.** -- of Positively Ageless?
10 **A. Yep. So Aveeno we talk about our**
11 **equity having three core pillars, and one is our**
12 **active natural ingredients, and what that means to**
13 **us is that we select natural ingredients that we**
14 **know have a skin benefit that we know work with your**
15 **skin, so whether it's the heritage of oat, whether**
16 **it's soy, shiitake mushroom, Feverfew, there's about**
17 **nine or ten active ingredients that we use that we**
18 **know provide actual benefits, and we have research**
19 **and proof, if you will, behind that, those benefits.**
20 The second pillar is around clinical
21 efficacy. So as part of being a part of the Johnson
22 & Johnson organization we invest heavily behind
23 research and development and proving that our
24 products work and provide a real benefit to the
25 consumer. So that's the second pillar.

<p>Collins - Cahr 26</p> <p>1 And the third is the professional 2 accreditation. So Aveeno was begun with the Mayo 3 Clinic, and in partnership with the Mayo Clinic 4 we've had a strong partnership with dermatologists 5 over 60 years of working with them over the Aveeno 6 equity. They see it as a product that can address 7 the various needs that consumers may have when 8 they're visiting a dermatologist, as well as it 9 gives our equity credibility because of the 10 relationship that we have there and the fact that 11 our products would be recommended by dermatologists 12 in their offices and in their interactions with 13 their patients. 14 Q. And now tell me a little bit about the 15 brand equity for Positively Ageless? 16 A. Yep. So Positively Ageless, like I 17 said, was our -- our launch into antiaging, and the 18 intent was a lot of antiaging products are fighting 19 antiaging. You hear about people wanting to fight 20 the signs of aging. You want to see -- consumers 21 feel like there's an aggressiveness that needs to 22 happen, and that comes from more manufactured 23 products, if you will, less natural products, and 24 our opportunity under Aveeno was to create a 25 portfol- -- a product line that would address</p>	<p>Collins - Cahr 28</p> <p>1 seeing crows lines and wrinkles, then I'm going to 2 go to Positively Ageless for those solutions. 3 Q. And would you say that the two central 4 suggestive words in the mark are "positive" and 5 "age"? 6 A. Yes. Yep. 7 Q. And what is the significance of that 8 within the branding? 9 A. Yep. So again, the positive -- the 10 positives word is one that is counter to this 11 fighting of antiaging and doing it in a way that's a 12 very Aveeno way. So other equities wouldn't be able 13 to do this, in the sense that Olay's heritage is 14 built against very clinical, highly chemical, if you 15 will, type of solutions. We're trying to counter 16 that, go the other way with the positive, the use of 17 positively. 18 Q. So it's suggesting a whole host of 19 different things about the products? 20 A. Correct. 21 Q. The use of the word "positive"? 22 A. Correct. And then obviously the age 23 and the ageless use is very transparent and 24 explaining that this is -- this is what type of skin 25 need that you would be looking to resolve. And like</p>
<p>Collins - Cahr 27</p> <p>1 antiaging in a different way, in a more positive way 2 and in a way that is more holistic, right, so the 3 ability for us to balance from manufacturing to the 4 natural bend allowed us to develop this idea of 5 Positively Ageless and not only addressing your 6 antiaging needs, but also doing it in a way that is 7 good for you, in a way that is helping you achieve 8 healthier looking skin. 9 Q. And so the use of Positively Ageless 10 draws upon the decades of brand equity that Aveeno 11 has developed and also then adds additional brand 12 equity to that as well? 13 A. Yes. Yeah. So all of the -- all of 14 the products that we launch under Aveeno need to be 15 in line with the three pillars that I talked about, 16 making sure they draw on all of those components. 17 As we think about continuing to distinguish them 18 within our own portfolio, why someone would pick up 19 a Positively Ageless product versus an Ultra-Calming 20 product is they're going to address different needs, 21 and so we need to find ways to communicate that to 22 our consumers and understand that if I'm someone who 23 has sensitive skin and blotchiness and redness, I'm 24 going to go to Ultra-Calming to meet those needs. 25 If I'm someone that's looking in the mirror and</p>	<p>Collins - Cahr 29</p> <p>1 I said, since it's such a large portion of the 2 category, a number of consumers are looking to that 3 whenever they go to shop. 4 Q. And are you familiar with any other 5 competing products that use "positive" and "age" in 6 their marks? 7 A. No. There's nothing else that I know 8 of in our category that combines those two words in 9 any form or fashion. 10 Q. So you consider that an important fact 11 that you are really -- that you have that branding 12 to yourself? 13 A. Yes. Yes. 14 Q. And would it harm you if that was 15 diminished by the presence of other people in that 16 space using positive and age together? 17 A. Yeah. I think that it could cause 18 confusion, and it could cause one where the 19 investment in the equity that we've built up under 20 Aveeno Positively Ageless could be confused or could 21 be misinterpreted because of the clarity of what 22 we've built, and there isn't anything that's similar 23 to it in our current environment. 24 Q. And do you believe that someone, if they 25 were to use positive and age in a mark in your</p>

Collins - Cahr 30

1 space, would they be -- or even in a closely related
2 space, would they be able to get a free ride on all
3 of the hard work and the dollars that you've spent?
4 **A. Yeah. I mean, I think there could**
5 **very well be an association between people who are**
6 **used to purchasing these products or have used these**
7 **products in the past associating the same benefit**
8 **that they got from that with a new mark that would**
9 **use that same description.**
10 **Q.** Well, I am going to place in front of
11 you a document that has been marked as Opposer's
12 Exhibit No. 15. Can you please take a look at this
13 for me?
14 **A. Yep.**
15 **Q.** Have you seen this document before?
16 **A. I have.**
17 **Q.** And what is this document?
18 **A. This is the trademark -- trademark**
19 **application by the applicant for Positive Ageing.**
20 **Q.** And can you please describe for me what
21 it says under the description of goods?
22 **A. Yep. It says soaps; perfumes,**
23 **essential oils, cosmetics, hair lotions;**
24 **dentifrices; makeup removing preparations; beauty**
25 **masks; shaving products, namely, shaving balm,**

Collins - Cahr 31

1 **shaving cream, shaving gel, and shaving mousse.**
2 **Q.** Do you believe that any of the products
3 listed there sold under the Positive Ageing brand
4 would be likely to cause confusion with your
5 products --
6 **A. Yes.**
7 **Q.** -- sold as Positively Ageless?
8 **A. Yeah. I think a couple of these**
9 **categories are ones that are either something we**
10 **have current presence in, cosmetics we have our**
11 **tinted moisturizer that has a cosmetic application**
12 **and purpose, as well as soaps versus cleansers.**
13 **They're providing the same sort of end benefit to**
14 **the consumer. Consumers would shop those in the**
15 **same way.**
16 **Q.** And it's common within Aveeno, and it
17 would be useful for you to explain how this works,
18 for a brand to start addressing a couple of very
19 specific kinds of products and then expand --
20 **A. Yep.**
21 **Q.** -- out into many of the others that
22 either Johnson & Johnson as a whole or Aveeno, more
23 broadly, are selling?
24 **A. Yes. We are constantly doing research**
25 **on how to continue to grow and extend our equity,**

Collins - Cahr 32

1 **and we often do research to understand what**
2 **consumers would allow us to produce and compete in,**
3 **and a number of these products are products that we,**
4 **under the Aveeno mark, already produce products, and**
5 **so using Positively Ageless as a platform in those**
6 **categories could be a potential opportunity for us.**
7 **Q.** And to that end I'd like to put in
8 front of you Opposer's Exhibit No. 16. Can you
9 please let me know what that is?
10 **A. Yes. This is a product image of some**
11 **other products in the Aveeno portfolio, specifically**
12 **two of our shave products. One is the Aveeno**
13 **Therapeutic Shave Gel, and one is the Aveeno**
14 **Positively Smooth Shave Gel.**
15 **The third image is of our Aveeno**
16 **Ultra-Calming Makeup Removing Wipes, and so back to**
17 **the earlier conversation, these are categories that**
18 **the applicant is asking for permission to use their**
19 **mark in, so they're categories that we currently**
20 **compete in for Aveeno.**
21 **Q.** And that it would not be unreasonable
22 to imagine as part of your natural zone of
23 expansion?
24 **A. Correct. Correct.**
25 **Q.** And can you talk a little bit about how

Collins - Cahr 33

1 the brand has expanded in the past? What you
2 started with and what products you expanded into
3 with the Positively Ageless line just to demonstrate
4 what we're talking about?
5 **A. Yep. So we began with cleansers,**
6 **facial moisturizers and treatment products, and we**
7 **have expanded into the body care category as well as**
8 **the hand care category with our skin strengthening**
9 **-- our Aveeno Positively Ageless Skin Strengthening**
10 **Body Lotion and Aveeno Positively Ageless Skin**
11 **Strengthening Hand Cream, and so that was an idea**
12 **and a concept that consumers are not only facing**
13 **antiaging needs when they're dealing with their**
14 **facial care, but they're also seeing other problem**
15 **areas, if you will, on other parts of their body.**
16 **Q.** Okay. So it's basically -- do you view
17 Aveeno as a brand that deals with the total body?
18 **A. Yes. Yep. So we think of it as we**
19 **compete in a number of different categories. We**
20 **have hair care, we have sun care, we have shave. I**
21 **think we have 10 total. Facial cleansing, facial**
22 **moisturizer, body cleansing, body lotion, baby care**
23 **products, itch products, so -- and there's one other**
24 **one I may be forgetting.**
25 **But yeah, so we compete in a number of**

1 different categories because of the -- they're all
2 about skin. We want to be a leader in the skin care
3 category, and it's not limited to a particular part
4 of your body.

5 Q. And so for the Positively Ageless brand
6 when you see opportunities do you view that as a way
7 that you can further expand the equity of Positively
8 Ageless into other kinds of treatment?

9 A. Yes. Yes. And like I said, I think
10 the first proof -- the first place for us to prove
11 that we have the ability to deliver antiaging
12 benefits is in facial care because that is the most
13 sought after antiaging need and the place where
14 consumers go first, but there are other needs areas
15 where they would see signs of aging and have the
16 desire to look younger.

17 Q. And just again in the whole -- in the
18 skin care area generally, not even just the ones
19 that are directly competed in by the Positively
20 Ageless brand, but in Aveeno more generally, there's
21 no competing products that uses positive and age
22 in --

23 A. Correct.

24 Q. In the mark together?

25 A. Correct.

1 Q. I have what is listed as Opposer's
2 Exhibit No. 17. Can you please identify that?

3 A. Yep. This is an image of two of our
4 Aveeno products, the Aveeno Clear Complexion
5 Cleansing Bar, as well as the Aveeno Moisturizing
6 Bar, so these are two soap products that provide
7 cleansing benefits and are sold right next to our
8 Positively Ageless product on shelf, and so they sit
9 within our brand block, which is how we describe all
10 of our products sitting together on a shelf, and...
11 yeah.

12 Q. And we're going to talk a little bit
13 more about how your product is sold in a few
14 minutes, but --

15 A. Okay.

16 Q. -- one of the things I do want to
17 mention now or ask you about now is when you say
18 that they're sold together, does that mean that the
19 Positively Ageless products are sold within the full
20 spectrum of all of the other Aveeno products?

21 A. Not -- all of the other products
22 within the category.

23 Q. Okay.

24 A. So facial care, all the facial care
25 products are set together. In body care, all of the

1 body care products are shelved together, so the
2 Positively Ageless Skin Strengthening Body Lotion
3 would be sitting next to our daily moisturizer,
4 Aveeno Daily Moisturizing Lotion in the same way
5 that the other Positively Ageless products that we
6 talked about would sit next to our Clear Complexion
7 or Ultra-Calming products today.

8 Q. So the Aveeno brand acts as almost an
9 umbrella over all of these various different kinds
10 of uses. Is that correct?

11 A. Correct. And I think we are always
12 looking at ways to expand -- expand that reach of
13 that umbrella mark and have consumers who like and
14 use our products in one category, figuring out ways
15 to transfer them into usage in other categories.

16 Q. Okay. And before we move on to sort of
17 where these things are sold, --

18 A. Yep.

19 Q. -- let's go for one last exhibit in
20 this last space, which is Opposer's Exhibit No. 18.

21 A. Okay.

22 Q. Can you please describe that?

23 A. Yep. This is the -- this is the --
24 these are product images of our Aveeno hair care
25 products.

1 MR. CAHR: And this is a two-page
2 exhibit, it should be noted for the record.

3 A. And they provide a number of benefits
4 from a sulfate free product to a dandruff control
5 product to a base shampoo/conditioner and treatment,
6 and the hair care category is one where recently we
7 have started to see expansion by our competitors
8 into the antiaging benefits and one where consumers
9 are beginning to feel that there are ways that
10 they're beginning to show their age through their
11 scalp and through their hair.

12 Q. Okay. Now, let's move on to the
13 question of where these products are sold.

14 A. Okay.

15 Q. Now, you mentioned before the fact that
16 you want people to be able to come to the Aveeno
17 line and to the Positively Ageless line from various
18 different touch points.

19 A. Yep.

20 Q. In terms of, you know, what they're
21 looking for: Are they looking for things to help
22 them with aging; are they looking to help them with
23 acne? I mean, you want them to be able to look at
24 this as a total. Is that a good summary of what
25 you...

Collins - Cahr 38

1 **A. Yes. Yeah.**

2 **Q.**But you're also, I would imagine,

3 interested in being able to get to the consumer from

4 a variety of different channels of trade, too?

5 **A. Correct. Correct.**

6 **Q.**Can you explain that a little bit?

7 **A. Yep. So as part of Johnson & Johnson**

8 **Consumer Companies, Inc. we have relationships with**

9 **major retailers throughout the country, and so that**

10 **-- consumers are not only looking for skin care**

11 **solutions in one place. Not everyone shops at mass**

12 **retailers like a Wal-Mart or a Target. Some will**

13 **shop at a drug, some will shop at club stores, some**

14 **will shop at local small mom and pop grocery stores,**

15 **that whole -- that kind of runs the list. And so**

16 **our intention is to find ways to distribute and make**

17 **that offering available to consumers wherever they**

18 **may be shopping for their skin care needs.**

19 **Q.**And do people sometimes buy these

20 things in spas or --

21 **A. Um-hum.**

22 **Q.**-- from -- and do some dermatologists

23 sell --

24 **A. Yep.**

25 **Q.**Sell these kinds of products as well?

Collins - Cahr 39

1 **A. Yes. So a lot of the -- for example,**

2 **a spa or a salon, a place where you would get a**

3 **facial, those types of things, obviously there's a**

4 **connection there for the benefit that you're looking**

5 **for and products that would address those benefits,**

6 **and so we compete with the brands and the products**

7 **that are offered in those -- in those locations and**

8 **are always looking for ways for us to expand there.**

9 **From a professional standpoint there's also that**

10 **relationship is so strong, and so a consumer may go**

11 **to a dermatologist, and the dermatologist would make**

12 **a recommendation for a particular product, and they**

13 **would be able to sell them the product. We are**

14 **currently embarking on an endeavor that allows**

15 **dermatologists to order product through our Web**

16 **site, then be able to sell them to their patients at**

17 **their locations.**

18 **So a number of other products have been**

19 **launched by dermatologists themselves.**

20 **Dermatologists are also looking at the ability to**

21 **provide solutions to their patient, their patient**

22 **base by being able to sell them the product at their**

23 **offices.**

24 **Q.**So Aveeno products generally are sold

25 through a variety of different channels of trade?

Collins - Cahr 40

1 **A. Correct.**

2 **Q.**So through stores, through chain

3 stores, over the Internet?

4 **A. Um-hum.**

5 **Q.**Through distributors who just get it to

6 smaller stores?

7 **A. Um-hum. Yep.**

8 **Q.**To spas, and in a growing way through

9 medical practices, too?

10 **A. Yep.**

11 **Q.**And I'm assuming that any Aveeno

12 product is potentially a -- and actually, if you

13 could answer affirmatively?

14 **A. Yep.**

15 **Q.**Yes or no?

16 **A. Yes. I know.**

17 **Q.**So any Aveeno product, whichever line

18 we're talking about, whether Positively Ageless or

19 Positively Radiant, is potentially a candidate for

20 any of those channels of trade. Is that correct?

21 **A. Correct.**

22 **Q.**And are you always looking for

23 different ways to sell Positively Ageless to

24 consumers in different channels?

25 **A. Yes. As my role to grow the business**

Collins - Cahr 41

1 **I'm looking for the most efficient way to make the**

2 **product available, and if a consumer is interested**

3 **in the product but it's not available to them in**

4 **that particular channel, then it's a missed**

5 **opportunity for us.**

6 **Q.**Okay. Now, I have marked as Opposer's

7 Exhibit No. 19. Have you seen this before?

8 **A. Yes.**

9 **Q.**Was this prepared by you?

10 **A. Yes.**

11 **Q.**Can you please describe --

12 **A. Yep.**

13 **Q.**-- what this is?

14 **A. This is a list of all of the retailers**

15 **specifically that we sell directly to the Aveeno**

16 **Positively Ageless platform.**

17 **Q.**And could you read into the record

18 which --

19 **A. Yep.**

20 **Q.**Which stores those are?

21 **And these are just the stores you sell**

22 **directly to, correct?**

23 **A. Correct. Correct. This does not**

24 **capture the distributor network that we have. So we**

25 **sell to distributors who then sell to smaller --**

1 smaller distributions because there are so many
2 outlets out there, there's so many retail outlets
3 out there it would be impossible for us to have
4 relationships with every store, so we use
5 distributors in a B to B sort of way to sell them
6 product that they can then sell to their distributor
7 network.

8 So the list of retailers here is

9 Wal-Mart, Target, K-Mart, CVS, Walgreens, Rite Aid,
10 Kroger, Publix, Safeway, Supervalu, HEB, Wegmans,
11 Giant Eagle, AHOLD, ULTA, Bed, Bath & Beyond, and
12 BJ's.

13 Q. And ULTA actually in addition to being
14 a retailer has like some spa type services of its
15 own, right?

16 A. Yes. So ULTA is more of a beauty
17 boutique type of store, and it's a place where
18 consumers are looking for more premium skin care
19 solutions as well as they have the option there to
20 have some spa services like we mentioned before in
21 terms of facials and peels and those sorts of
22 things.

23 Q. [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 A. [REDACTED]
2 Q. [REDACTED]
3 A. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 Q. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 A. [REDACTED]
12 Q. [REDACTED]
13 A. [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 A. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. [REDACTED]
25 [REDACTED]

1 A. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 Q. And next I'd like to show you some
8 other competing products --
9 A. Okay.
10 Q. -- and how they're sold, and then
11 hopefully you can sort of walk us through what that
12 means for the marketing of the Positively Ageless
13 product as well.
14 A. Okay.
15 Q. I've got for you initially what is
16 marked as Opposer's Exhibit No. 21, which is an
17 Internet printout. Can you please describe for us
18 what this is?
19 A. Yep. This --
20 Q. And did you print this out?
21 A. Yep. This is a printout of the
22 products for the Bliss line, which is a brand of
23 skin care products, hair products, as well as spa
24 services that are offered across those different
25 lines. So Bliss has done a nice job of building up

1 -- they had spas to begin with, and consumers would
2 go there and experience their products. They have
3 leveraged that to sell different products, like I
4 said, in the categories I mentioned from skin care
5 to hair and makeup, and use that spa entry point as
6 a way to get consumers to use products elsewhere,
7 and to my knowledge they're sold -- I believe
8 they're sold at ULTA and other channels that we
9 would compete with.

10 From an Aveeno Positively Ageless
11 perspective we see them as a competitor. We know
12 that there are consumers that buy both of these --
13 both of these platforms, both of these products, and
14 so someone is making a decision between do I buy
15 this or do I buy Aveeno Positively Ageless.

16 Q. So they've tied together, sort of,
17 services being provided to the consumer with --

18 A. Correct.

19 Q. -- goods being sold to the consumer?

20 A. Correct.

21 Q. And so they provide hairdressing beauty
22 salon services --

23 A. Yep.

24 Q. -- and beauty care services?

25 A. Yes.

Collins - Cahr 46

1 Q. Plus they also sell the products?

2 A. Yes.

3 Q. And in your experience does that mean

4 that people are going to tie those things together

5 in the public mind and expect that the same products

6 are sold across the various different channels of

7 trade?

8 A. Yes. Yes. And I think that, like you

9 said, they would have an experience, whether it's a

10 facial or a peel that they have as a spa treatment,

11 then they would look for the products that the

12 beautician or the woman who was doing this -- person

13 who's doing this service might use, and then

14 obviously part of the business model is for them to

15 recommend that product. If you like the feel of

16 this, if you like the experience that you had, if

17 you like the benefit that you're seeing on your

18 skin, here's this product that I think you should

19 use, and then here's where you can get it.

20 Q. So there's no real barrier then between

21 products sold through these various different

22 channels of trade?

23 A. No. And from a consumer's perception

24 and a consumer's mindset I don't think they think

25 about it in the same way that we do. I think they

Collins - Cahr 47

1 are looking to address a particular need. They have

2 fine lines, they have wrinkles, they want to find a

3 way to get rid of it, and so there are multiple ways

4 for people to talk to them about those benefits, and

5 they wouldn't see it as separate things; that if

6 something was sold through a spa, that they're a

7 different type of product than something that was

8 sold through a retailer.

9 Q. But moreover, even a service that was

10 sold under that --

11 A. Correct.

12 Q. -- would be deemed related in your --

13 A. Yes.

14 Q. In your description?

15 A. Uh-hum. Yes. I think it's their --

16 they go to get a facial or go to get a -- you know,

17 a facial peel, a medical peel because they're

18 looking to address the same skin needs that they

19 would use a product for.

20 Q. So do you believe that if someone were

21 to try to use or register the mark Positive Ageing

22 in connection with beauty salon services that that

23 would still be a problem for you?

24 A. I do.

25 Q. And explain why.

Collins - Cahr 48

1 A. I think, again, the consumer would

2 have the perception that it's giving them the same

3 skin benefit that Positively Ageless would be giving

4 them, and there's the opportunity of confusion, so

5 if they have used Positively Ageless in the past,

6 they go to a salon that gives them a service and

7 recommends Positive Ageing, I think there's

8 definitely confusion that would occur there, and a

9 consumer would not always be able to distinguish

10 what's unique or different about those two names.

11 Q. And what about a hairdresser?

12 A. Um-hum.

13 Q. How would confusion work in your mind

14 that way?

15 A. Yep. Again, the same -- the same sort

16 of service. If someone is going to a beauty salon

17 for a hair service, they make a recommendation for

18 something that is going to address their aging needs

19 through a product called Positive Ageing, it would

20 be easy for them to say there are other products

21 that I've used in the past on different parts on my

22 face that are Positively Ageless, and I might

23 associate those two as the same thing, and some of

24 the investment and the uniqueness that we have tried

25 to develop through the Aveeno team would be -- is

Collins - Cahr 49

1 going to be lost or would be less, kind of

2 discredited. They would be getting credit for our

3 work.

4 Q. And what about someone who was selling

5 Positive Ageing products or services in connection

6 with dermatological care or some other kind of

7 medical care in connection with skin care, --

8 A. Yeah.

9 Q. -- would that be confusing?

10 A. Yes. And I think it would not only be

11 confusing for the consumer, but it also could be

12 confusing for some of the dermatologists because we

13 have invested and detailed to them the Positively

14 Ageless platform and the benefits of those products,

15 whether it's through the -- we have a sales force

16 that details and talks about the entire Aveeno

17 portfolio. Positively Ageless is a part of that.

18 There's obviously been communication to them about

19 the benefits of Positively Ageless, and so the

20 dermatologists could be confused about what product

21 it would be as well as the recommendation that they

22 would make to the -- to their patient. Their

23 patient may not understand that there's a difference

24 there between Positive Ageing and Positively

25 Ageless.

<p>Collins - Cahr 50</p> <p>1 Q. Okay. And on a related note, I would</p> <p>2 like you to take a look at Opposer's Exhibit No. 22,</p> <p>3 which I believe you also printed out?</p> <p>4 A. Yep.</p> <p>5 Q. And can you please describe that for us</p> <p>6 as well?</p> <p>7 A. This is a printout from the</p> <p>8 origins.com Web site that talks about their line</p> <p>9 Plantscription, which are antiaging products similar</p> <p>10 to the ones that we have under Aveeno Positively</p> <p>11 Ageless, so night creams, eye treatments, serums,</p> <p>12 cleansers, those sorts of products, and again, the</p> <p>13 -- the other page is about some of their mini</p> <p>14 facials that they offer that they are trying to</p> <p>15 expand their retail environment.</p> <p>16 Origins is a natural brand, is a</p> <p>17 product that has stand alone retail outlets where</p> <p>18 they sell their products and offer the brand</p> <p>19 experience and offer the equity experience, so when</p> <p>20 consumers walk in and they know what Origins is</p> <p>21 about, it has a very specific look and feel, as well</p> <p>22 as their ability to cross-sell the services that</p> <p>23 they may provide in one of those retail outlets, so</p> <p>24 a facial, those sorts of things, to the product</p> <p>25 line, Plantscription.</p>	<p>Collins - Cahr 52</p> <p>1 fragrance across that -- across that line, so</p> <p>2 consumers queue that usage. We think about and talk</p> <p>3 to consumers about, an example being Johnson's Baby</p> <p>4 Lotion, the pink lotion, that fragrance you could</p> <p>5 put -- people think that babies smell like that,</p> <p>6 right? But it's really they smell like the pink</p> <p>7 lotion. And so it's that queue and that fragrance</p> <p>8 queue that allows us to queue that nostalgia, that</p> <p>9 reason that a consumer thinks that it might work,</p> <p>10 the reason that a consumer thinks that it is giving</p> <p>11 them the benefit that they're sought after.</p> <p>12 Q. So with a mark like Positively Ageless</p> <p>13 where there's nobody else who has another similar</p> <p>14 mark, --</p> <p>15 A. Um-hum.</p> <p>16 Q. -- if someone were to come up with</p> <p>17 Positive Ageing branded perfume, would you consider</p> <p>18 that to be a problem?</p> <p>19 A. Yeah. I think that, again, it could</p> <p>20 be something that, depending on the similarity to</p> <p>21 the fragrance there could be confusion there, and</p> <p>22 even if it is different, it would be a different</p> <p>23 experience for someone who may have used Positively</p> <p>24 Ageless products and experienced a certain fragrance</p> <p>25 for something different to be out there.</p>
<p>Collins - Cahr 51</p> <p>1 Q. Now, one of the things that I note</p> <p>2 about a number of these products is the question of</p> <p>3 whether or not -- you know, both the ones sold by</p> <p>4 Aveeno and the ones sold by your competitors, is the</p> <p>5 notion of fragrance.</p> <p>6 A. Um-hum. Yep.</p> <p>7 Q. Now, could you please talk about the</p> <p>8 importance of fragrance in this market?</p> <p>9 A. Yeah. So fragrance is critical for</p> <p>10 us, as we -- just the reaction that a consumer has</p> <p>11 when they use our product, that the fragrance is</p> <p>12 pleasant, potentially communicating an end benefit.</p> <p>13 We go through training, we work tirelessly with</p> <p>14 either our R & D department or our fragrance houses</p> <p>15 where we develop fragrances for a particular product</p> <p>16 that they queue certain things in the minds of</p> <p>17 consumers as they are experiencing that scent. When</p> <p>18 we think about fragrance on our platforms we want to</p> <p>19 maintain consistency. Positively Radiant would have</p> <p>20 a particular fragrance, as well as -- if it's</p> <p>21 slightly different we're still playing on the same</p> <p>22 notes, whether they're floral notes or whether</p> <p>23 they're oat notes, whether they're water notes,</p> <p>24 we're trying to play on the same notes, and so the</p> <p>25 same with Positively Ageless. We have a similar</p>	<p>Collins - Cahr 53</p> <p>1 Q. So it could damage your brand if it's</p> <p>2 a --</p> <p>3 A. That --</p> <p>4 Q. -- fragrance --</p> <p>5 A. If its bad experience, right.</p> <p>6 Q. -- that's not positively associated</p> <p>7 with your product?</p> <p>8 A. And I think any negative experience</p> <p>9 that someone could have with a mark as similar as</p> <p>10 that would have a negative impact on our portfolio.</p> <p>11 So even if it's something that is not the exact same</p> <p>12 type of product, even an adjacent product like the</p> <p>13 list that the applicant has applied for, there could</p> <p>14 be confusion, and there could be I had a negative</p> <p>15 experience with Positive Ageing; therefore, I would</p> <p>16 not be inclined to purchase Positively Ageless.</p> <p>17 Q. And one more quick question on this.</p> <p>18 Can you please describe what "cosmetics" means in</p> <p>19 your market and whether or not what you're selling</p> <p>20 are cosmetics?</p> <p>21 A. Yep. Yeah. So cosmetics are products</p> <p>22 that would help change the appearance of a user's</p> <p>23 skin, find a way to make them feel more beautiful,</p> <p>24 help them to highlight a particular area on their</p> <p>25 face, whether it's their eyes or their lips, or to</p>

1 provide coverage. The one product in our Aveeno
2 Positively Ageless line that would be similar is our
3 tinted moisturizer. That product does provide a bit
4 of a foundation. So often consumers would say, I
5 don't want to use a foundation because it's heavy,
6 but I need that coverage and I need that even tone
7 that you get from a slight tint, and so part of the
8 reason we went into the tinted moisturizer category
9 and launched a tinted moisturizer was to provide
10 that benefit for consumers.

11 Q. So do you believe that if someone were
12 selling Positive Ageing branded cosmetics that that
13 would be a problem for you?

14 A. Yeah. I think that it would
15 definitely be -- provide some similar benefits as
16 well as Johnson & Johnson as an organization has
17 skills and expertise in the cosmetics area, so it's
18 not -- would not be out of the realm of
19 possibilities that we would expand into cosmetics.
20 Neutrogena, one of our sister brands,
21 as we say, has a cosmetics line, and so we have the
22 skills and the ability as an organization to compete
23 and produce in that category, and so the similarity
24 between this mark and the opportunity for us to
25 launch Aveeno or to launch Aveeno Positively Ageless

1 specifically in cosmetics is definitely a
2 possibility.

3 Q. And would a similar logic apply to
4 other things like beauty masks, for example?

5 A. Yes. Um-hum. Yep.

6 Q. Is that something which is sold by
7 other J&J or Johnson & Johnson subsidiaries?

8 A. Yeah.

9 Q. Or even Aveeno?

10 A. Yeah. So we currently don't sell a
11 mask, a particular mask, but it is something that,
12 again, the end benefit of what a consumer is looking
13 for is addressed by a mask. It's a similar benefit
14 to what they're looking for in these products, which
15 means that we're always exploring, like I mentioned
16 before, the ability for us to extend our equities
17 and our trademarks into other categories such as
18 that.

19 Q. And makeup removing, is that something
20 which would be covered as well?

21 A. Yep. So like I said, in our facial
22 care portfolio we do have makeup removing products,
23 the Ultra-Calming Makeup Removing Wipes. We are
24 launching other makeup removing products in the
25 future. That is definitely something that with

1 Positively Ageless we could explore and consider how
2 to launch those types of products because it's a
3 similar benefit that a consumer is looking for.
4 They want to make sure they're cleaning everything
5 away and that they're removing all the makeup that
6 they've worn during the day so that they can use
7 another product to treat some of these antiaging
8 signs at night.

9 Q. What about shaving? Is that something
10 which Aveeno or Positively Ageless, either one, are
11 working with now --

12 A. Yep.

13 Q. -- or expect that it could be a future
14 area of expansion?

15 A. So we have a men's shaving line that
16 we launched this year around a facial wash, a shave
17 gel, and an after-shave lotion. We have also since
18 -- I'm not sure of the exact year, but I think for
19 over 10 years we've had shaving products, the
20 Therapeutic Shave Gel I mentioned before and the
21 Positively Smooth Shave Gel under the Aveeno moniker
22 that are sold in all the channels we mentioned
23 before. So we have expertise, we have products that
24 work in that area, and as consumers feel the need or
25 think that they can address some of their antiaging

1 needs through shaving we definitely would consider
2 that as an option.

3 Q. Okay. Next I'd like to show you -- I
4 mean, let me know if you want to take a break.
5 We've been talking for a while now, so...

6 A. I'm good.

7 Q. All right. This is marked as Opposer's
8 Exhibit No. 23.

9 A. Okay.

10 Q. Can you please tell us what this is?

11 A. Yep. This is a list of some of the
12 media highlights that we have supported under the
13 Positively Ageless platform over the -- since
14 inception in 2007, so 2007 through 2012.

15 Q. And this document was created by you?

16 A. Yes.

17 Q. So can you go through the document and
18 explain for the record --

19 A. Sure.

20 Q. -- what it is?

21 And I believe that there's a page
22 number on each page, so --

23 A. Got it.

24 Q. -- when talking about each individual
25 page if you could just reference that?

<p>Collins - Cahr 58</p> <p>1 A. Okay. I'll start from the back, 2 actually, just so that we can -- because those are 3 the earliest activities. 4 The first is on page 10. This is a 5 program called the Buzz Agent Word of Mouth Program. 6 What Buzz Agent is is people are seen as influencers 7 in their sphere of influence, so friends, 8 colleagues, etcetera, similar to almost an Avon, if 9 you will, which has you get credibility because one 10 of your friends is recommending a product. Word of 11 mouth type of program. We were able to sample -- 12 they had full size of our Positively Ageless daily 13 moisturizer, and they had small like individual 14 packets of our serum and coupons that they could 15 distribute to their -- to their friends, their 16 personal network. Ask them to use the product. If 17 they liked the product, if they enjoyed the 18 experience they would then make a recommendation. 19 We reached over 277,000 people through 20 this campaign, through the people that actually used 21 it and then through their recommendations that they 22 made afterwards. We also were able to survey them 23 to understand the experience that they had had, and 24 one of the results that we saw was that 72 percent 25 of the respondents who used the products switched</p>	<p>Collins - Cahr 60</p> <p>1 we worked closely with Allure to develop and create 2 an advertorial that -- 3 Q. And is Allure an important magazine in 4 the beauty space? 5 A. Yes. Allure labels themselves as the 6 beauty expert. They are really the -- the leading 7 publication around all things beauty. We think 8 about their Allure Awards that they annually give 9 out. They are the one that they have the strongest 10 data to the correlation between having that award 11 associated with your product impacting sales. So 12 consumers see them as an expert. They see them as a 13 credible kind of check or credible recommendation. 14 And so this product was we had a 15 sweepstakes under the advertorial, as well as 16 through digital assets, that drove consumers to that 17 holistic experience of I've seen it in the magazine, 18 I've seen it there, and also be able to view it 19 online. 20 The next -- the next group is elements 21 that we worked on last year, and these are all 22 things that I actually personally worked on. So 23 we'll start with page 3. 24 This is our Expo TV videos. Expo TV is 25 a service, a digital service where they have a</p>
<p>Collins - Cahr 59</p> <p>1 the current product they were using to the 2 Positively Ageless product that they were sampled 3 with. 4 Q. And do you believe that that's a strong 5 result? 6 A. Yes. Both in terms of the number of 7 consumers that we reached as well as the experience. 8 Anytime someone is willing to make that type of 9 change it's a significant influence on them. 10 Q. And does that build the equity in the 11 brand? 12 A. Yeah. I think that they clearly 13 understood what the product was and what the benefit 14 they were seeking. They sort of raised their hand 15 to say these are the types of products that I'm 16 interested in. This was obviously a match to that 17 with the Positively Ageless product, and meeting so 18 many of their needs is a very strong result. 19 Q. Excellent. If you could go on to the 20 next? 21 A. The next would be page 8. This is an 22 example of a way that we expand on our print, print 23 media campaign. We were able to add what we call an 24 advertorial to the campaign, so not only our 25 traditional print ad that was in a number of books,</p>	<p>Collins - Cahr 61</p> <p>1 community of consumers that they provide products 2 to. The consumers are asked to use the product and 3 provide a review of how the product performed, what 4 they liked and didn't like about it, and this allows 5 us to internally get understanding on how our 6 products are working as well as to use those videos 7 in a way so consumers learn more about the real life 8 experience. Obviously, with all these things at 9 times there is skepticism around what a product is 10 going to say. It's more authentic and it's 11 obviously real because of the fact that these are 12 real consumers who are using our product. 13 This is one where we took the video 14 assets, we then created digital display units, we 15 had video -- we post the videos on YouTube, on our 16 Facebook page, and consumers could view those videos 17 at their leisure. If they were searching for videos 18 on YouTube they were driven to these videos. We 19 provided them with a number of products across the 20 Positively Ageless platform. It was the Positively 21 Ageless Complete Antiaging System, the body -- the 22 skin strengthening body lotion as well as the 23 Positively Ageless Correcting Tinted Moisturizer. 24 This is another one where we saw really 25 strong results in terms of reach. We saw over</p>

<p style="text-align: right;">Collins - Cahr 62</p> <p>1 828,000 impressions through our search results, as 2 well as the purchase intent increase for consumers 3 who witnessed these videos. 4 The next page, page 4, these are 5 examples of our -- what this is called here, high 6 impact digital media, so this is ways for us to 7 brand an entire Web site and bring the experience of 8 the Positively Ageless line to the consumer as 9 they're surfing the Web, and if you look at the -- 10 we used three partners that we worked with, WebMD, 11 Total Beauty, and SheKnows. 12 Q. And just for the record, WebMD is a Web 13 site which is primarily focused on medical 14 information? 15 A. Correct. Correct. 16 Q. So this is also, once again, being 17 associated with professional care? 18 A. Correct. 19 Q. And so things that are being sold in 20 that fashion -- 21 A. Would be -- 22 Q. -- are -- would be an issue -- 23 A. -- in competition, for sure. And I 24 think WebMD is obviously an authority on a number of 25 health care needs. Consumers are going there and</p>	<p style="text-align: right;">Collins - Cahr 64</p> <p>1 video views. So 1.4 million people viewed the 2 entire video of the makeover series. So we worked 3 with a couple of celebrities, had a give away, and 4 had a -- had a take-over of their Web site, again, 5 during this time when the video was launching. They 6 obviously are trying to drive traffic to the 7 SheKnows Web site, so it was a three-sessioned 8 video, so you could see the first part, then you'd 9 say come back to see part two, and come back to see 10 part three, so that was how we partnered with them. 11 And then the last page 6, the last page 12 in this set of this documents is our Allure 13 antiaging advertorial. Again, partnering with 14 Allure because of their expertise and credentials 15 around beauty and antiaging. This was another one 16 where we had a sweepstakes where consumers could win 17 a gift set which was this product line of Aveeno 18 Positively Ageless, a number of products with that, 19 and it was also an advertorial that lived in their 20 magazine and advertised our platform. 21 Q. And this is not an exclusive list, 22 right? This is just some highlights, right? 23 A. Correct. These are probably the 24 highest impact ones, the ones that had -- but it's 25 not -- not everything in total.</p>
<p style="text-align: right;">Collins - Cahr 63</p> <p>1 looking for things. Not only symptoms of the common 2 cold, but they're also looking for things like skin 3 care solutions, which is why we partnered with them, 4 and we partnered with them very specifically around 5 antiaging benefits and health benefits associated 6 with that. So if a consumer was reading that type 7 of material they would see an advertisement for 8 Positively Ageless. As opposed to randomly looking 9 at the common cold, it wouldn't make sense for us to 10 be next to that type of material. 11 Total Beauty is, again, an authority on 12 beauty care. Similar to the Allure, they're one of 13 the leaders in the digital space, which is another 14 reason why we targeted them and placed our products 15 next to their antiaging expertise. 16 And then SheKnows is a strong community 17 of users that are engaged in all things beauty care, 18 and that kind of segues into the next page, page 5, 19 which was this SheKnows TV series. What this was is 20 we sponsored a makeover for two users where they 21 received a style makeover, they received a skin care 22 makeover, and we created video assets that we then 23 lived on the SheKnows Web site, but also we linked 24 to from our Facebook page, those sorts of things. 25 It delivered 28 million impressions and 1.4 million</p>	<p style="text-align: right;">Collins - Cahr 65</p> <p>1 Q. And I'd like to give you what has been 2 marked as Opposer's Exhibit No. 24 -- 3 A. Okay. 4 Q. -- and Opposer's Exhibit No. 25. 5 A. Okay. 6 Q. Can you please tell me about these? 7 A. Yes. 8 Q. Do you know what they are, first of 9 all? 10 A. Yes. These are our print ads that we 11 ran behind the Aveeno Positively Ageless platform. 12 Opposer's Exhibit 25 is one from 2009 featuring one 13 of our daily moisturizers. The Opposer's Exhibit 24 14 is an advertisement that we ran last year in 2012 15 around our entire Positively Ageless platform, so 16 you can see there there's the -- the complete 17 antiaging system pictured as well as our daily 18 moisturizer, our eye cream, and our night cream, and 19 if you look at the consistency between these, and if 20 you were to see other examples of Aveeno advertising 21 you would see how there's a similar look and feel. 22 We're highlighting our active natural, so in this 23 case there are shiitake. You're seeing a branding 24 of our -- the bars that run vertical, the location 25 of the headline, and again, this is one of the</p>

1 responsibilities for us as brand owners is to
 2 develop this level of consistency and maintain that
 3 consumers walk away from this with a clear take away
 4 that they're seeing an Aveeno Positively Ageless
 5 product.

6 Q. And so you want Positively Ageless to
 7 have independent branding separate and apart from
 8 Aveeno, right?

9 A. Yeah. So it's almost a build, right?
 10 So like you said, if Aveeno is an umbrella equity,
 11 there are things that are consistent across, but
 12 obviously within our sections we've got to
 13 distinguish the difference between a Positively
 14 Ageless and an Ultra-Calming, etcetera.

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. Now I'm going to show you a series of

1 documents, and if you could just let me know what
 2 these are and explain a little bit about how they
 3 fit into the branding for your product?

4 A. Okay.

5 Q. This is Opposer's Exhibit No. 27.

6 A. Okay.

7 Q. Did you print this out?

8 A. Yeah.

9 Q. Could you please say what this is?

10 A. Yes. So this is -- I mentioned before
 11 we didn't capture how much behind -- public
 12 relations that we spent behind the Positively
 13 Ageless platform. These documents, I think this
 14 series of documents we will see going forward are
 15 public relations mentions that we will see about our
 16 product line and speak to the universal nature of
 17 the mark as well as the fame of the Positively
 18 Ageless line.

19 Q. So these reflect your efforts to get
 20 the --

21 A. Correct.

22 Q. -- mark out?

23 A. Correct. So we work with these
 24 various publications and these various Web sites to
 25 explain to them the benefits of our product, provide

1 them with product, and speak to them about the
 2 benefits of the product. Then it is obviously in
 3 their hands to make a determination if they feel
 4 it's something they would want to recommend to their
 5 readership, and their credibility is always on the
 6 line, and so they are only going to recommend or
 7 highlight products that they are confident and kind
 8 of provide their stamp of approval, if you will.

9 So this first one, as I mentioned, for
 10 the Positively Ageless Rejuvenating Night Cream, and
 11 it is the -- it is a competition between key night
 12 creams that are sold. One of -- the other one was
 13 the Olay Definity Intense Hydrating Cream, and so
 14 tied for -- the Aveeno Positively Ageless
 15 Rejuvenating Night Cream tied for first place in
 16 their usage of night creams in this Good
 17 Housekeeping exercise.

18 Q. Okay. And can you please tell me what
 19 Opposer's Exhibit No. 28 is?

20 And once again, you printed this out,
 21 so...

22 A. Yep. So this is from thegloss.com,
 23 which is, as we've seen digital media and bloggers
 24 gain influence, it's not only publications and media
 25 outlets that are gaining traction, but there are

Collins - Cahr 70

1 also Web sites that talk about the benefits of our
 2 products, so this is one that's highlighting some of
 3 our new products under the Positively Ageless line
 4 back in 2008.

5 Q. Can you please take a look at Opposer's
 6 Exhibit No. 29?

7 A. Yep. This is from
 8 fitnessmagazine.com, Fitness Magazine's Web site,
 9 and this is the best multipurpose moisturizer. This
 10 is from their list of products that they would
 11 recommend, and the Aveeno Positively Ageless Daily
 12 Moisturizer was highlighted here as a winner of one
 13 of the best skin care products for your face.

14 Q. Okay. Can you please take a look at
 15 this?

16 A. Yep.

17 Q. Now, would you --

18 A. This is Exhibit Opposer's No. 30.
 19 Exhibit 30.

20 Q. And you printed this out, once again?

21 A. Yes. This is from totalbeauty.com. I
 22 mentioned that Web site before. But this is a
 23 recommendation for the Aveeno Positively Ageless
 24 Youth Perfecting Moisturizer, and as you can see
 25 there, there are a number of reviews averaging 8.1

Collins - Cahr 71

1 out of 10 stars.

2 Q. And can you please describe Opposer's
 3 Exhibit No. 31 for me?

4 A. Yep. This is from realsimple.com. So
 5 again, often some of the relationship here is that
 6 we may be mentioned in a magazine as well as the Web
 7 site, but for simplicity standpoint it's easier for
 8 us to track down these mentions, but this is the
 9 Real Simple talking about what they dub the best
 10 budget wrinkle smoothers. It's the Aveeno
 11 Positively Ageless Night Cream and talks about the
 12 benefits of that product.

13 Q. Opposer's Exhibit No. 32 is actually a
 14 four-page long exhibit. Can you take a look at this
 15 and then let me know what that is?

16 First, did you print this out?

17 A. Yep. Yes. So this is from Yahoo's
 18 health site, so health.yahoo.net, and this again
 19 talks about the benefit of the Aveeno Positively
 20 Ageless Night Cream, and this is where they're
 21 talking about night creams specifically, what they
 22 have dubbed overnight sensations, and things that
 23 work and address the antiaging needs you have
 24 overnight.

25 Q. And just for the record, on this and

Collins - Cahr 72

1 the prior exhibit there was some highlighting, and
 2 that's highlighting that you added. Is that
 3 correct?

4 A. Correct.

5 Q. Just to demonstrate where the reference
 6 to Positively Ageless is located?

7 A. Yes. Yes. Because like I mentioned
 8 before, these Web sites are -- they're gaining
 9 credibility by being able to talk about their full
 10 product line, and so they're going to want to talk
 11 about -- they're going to talk about other products,
 12 other competitive products, and not solely our
 13 product in a lot of cases.

14 Q. Do you want to take a break for a
 15 moment?

16 A. Sure.
 17 (Recess taken from 11:09 to 11:19
 18 a.m.)

19 Q. So we're back on the record.

20 A. Okay.

21 Q. And we left off on No. 32, but I think
 22 it actually might be worth going back briefly to a
 23 couple of others that we already did to talk about a
 24 reference that's in these exhibits. If you look
 25 back at Opposer's Exhibit No. 29, --

Collins - Cahr 73

1 A. Yep.

2 Q. -- there's a reference to at drug
 3 stores.

4 A. Yep.

5 Q. Could you explain that a little bit?

6 A. Yeah. So often with these mentions,
 7 whether it's in the magazine or on their Web site,
 8 they want to give direction on where they could find
 9 -- where the consumers could find the product. We
 10 provide a list of the retailers to the publication,
 11 and sometimes we'll ask them to feature a particular
 12 retailer, but otherwise we leave it up to them to
 13 make the recommendation on what they think their
 14 reader would be interested in. So we will list
 15 specifics, they -- in this case with the mention of
 16 drug stores, they decided to try to unify a couple
 17 of our retailers and just say that you could find
 18 this product at drug stores.

19 Q. But that has nothing to do with where
 20 it's available in reality?

21 A. Correct. It is not absolute. There
 22 are other places where this product is available.
 23 They could -- again, consumers will still continue
 24 to shop where they typically look to find things, so
 25 if they shop at a grocery store, if they shop at a

1 club outlet like BJ's, if they shop at mass, if they
 2 shop at a drugstore, if they shop at a salon or
 3 whatever, they're going to look there for this
 4 solution to their --
 5 Q. So this is just a specific call to
 6 action --
 7 A. Correct.
 8 Q. -- In association with this particular
 9 release?
 10 A. Correct.
 11 Q. It's not stating that, for example, the
 12 product is only exclusive to CVS or --
 13 A. No.
 14 (Reporter interrupts exchange.)
 15 Q. So it would not be -- this doesn't
 16 imply anything about it being an exclusive to any
 17 particular chain of commerce or any particular kind
 18 of store; it merely just is a call to action on this
 19 very specific -- this very specific press release?
 20 A. Correct. It is not absolute. We
 21 don't have -- none of our products are exclusively
 22 sold anywhere. They're available anywhere with that
 23 -- either through our distributors or through the
 24 individual relationships we have with the retailers.
 25 We don't have any exclusive products under the

1 Aveeno Positively Ageless line.
 2 Q. And the same question for No. 31. That
 3 product isn't exclusive at drug stores, correct?
 4 A. Correct. This is another similar
 5 mention where it says at drug stores for the
 6 Positively Ageless Night Cream. Again, that's a
 7 product that's not exclusive to drug stores. It's
 8 sold at many other outlets.
 9 Q. Okay. And I believe that we were last
 10 talking about this No. 32, and there's a similar
 11 reference in No. 32?
 12 A. Yes.
 13 Q. And --
 14 A. Yep.
 15 Q. -- would the same issue apply?
 16 A. Yes. This was the same product as the
 17 one we just read from the previous exhibit, and it
 18 talks about drug stores, but again, it's not
 19 exclusive to drug stores. It's the night cream.
 20 Q. And Aveeno products and Positively
 21 Ageless products are sold at all of those various
 22 different kinds of retailers that we discussed
 23 earlier?
 24 A. Correct.
 25 Q. And is Positively Ageless a mark that

1 has independent significance separate and apart from
 2 the Aveeno brand?
 3 A. I think that they are -- they have to
 4 work in conjunction with one another. However, when
 5 someone is into the Aveeno portfolio they're going
 6 to be looking for that subplatform that meets their
 7 needs, and so it does have the ability to stand as
 8 Positively Ageless is something -- a product they
 9 would look for, but they're looking for that type of
 10 product from Aveeno.
 11 Q. And is that the reason why the
 12 Positively Ageless mark is now much bigger than it
 13 had been in prior --
 14 A. Yeah. It's to help clarify and focus
 15 and help highlight and make even more prominent the
 16 subplatforms.
 17 Q. And in fact on the newest packaging
 18 Positively Ageless is almost the same size as
 19 Aveeno --
 20 A. Correct. Correct.
 21 Q. -- in terms of type face?
 22 A. Yes. There was a conscious choice in
 23 strategy, and we increased the size and the
 24 impression of Positively Ageless as well as other
 25 subplatforms in the Aveeno facial care.

1 Q. Okay. We have a few more of these
 2 releases that we just want to go through.
 3 A. Okay.
 4 Q. If you could take a look at Opposer's
 5 Exhibit No. 33, again, something you printed out?
 6 A. Yes.
 7 Q. Could you please describe what that is?
 8 A. This is from Fabulous After 40,
 9 another Web site that we send product to and give
 10 them the opportunity to highlight. They're
 11 highlighting here the Aveeno Positively Ageless
 12 moisturizer, the daily moisturizer, and talking
 13 specifically about the SPF in this product.
 14 Q. And the SPF is important why?
 15 A. So overall the SPF -- sun damage is
 16 one of the key contributors to aging skin, to
 17 wrinkles, to loss of elasticity, those sorts of
 18 things, and so including SPF in our products help to
 19 protect consumers against that sun damage and help
 20 them look younger longer and help them reduce the
 21 signs of aging.
 22 Q. And can you take a look at Opposer's
 23 Exhibit No. 34? Let me know what that is as well.
 24 A. Yep.
 25 Q. And you printed this out again?

Collins - Cahr 78

1 **A. Yep. This is from**
2 **fitnessmagazine.com. Again, another recommendation**
3 **of how to ward off wrinkles. This is talking about**
4 **last year's product launch of the Aveeno Positively**
5 **Ageless Correcting Tinted Moisturizer and is another**
6 **highlight to the benefits and recommendation of this**
7 **benefit to the readers of Fitness Magazine.**
8 **Q. And so I note that this also says at**
9 **drug stores, but this is not exclusive to drug**
10 **stores either?**
11 **A. Yes. This is another mention where**
12 **they're highlighting drug stores, and usually that's**
13 **a decision made by -- if it's a broad sweeping**
14 **generalization like that it's a decision made by**
15 **their readers where they -- by the publication that**
16 **they believe their readers shop there most**
17 **frequently, which is why they would highlight drug**
18 **stores.**
19 **Q. For that particular magazine?**
20 **A. Correct. It's something about their**
21 **audience that the editor makes a choice as to why**
22 **they would push that.**
23 **Q. And this product launch was an example**
24 **of a further expansion to another area, correct?**
25 **A. Correct. Yeah. This is the tinted**

Collins - Cahr 79

1 **product that we talked about before which is kind of**
2 **-- could potentially be replacing a foundation and**
3 **used for cosmetic purposes.**
4 **Q. Okay. And this is Opposer's Exhibit**
5 **No. 35.**
6 **A. Okay. This is from hollywoodlife.com,**
7 **another mention of our Aveeno Positively Ageless**
8 **Correcting Tinted Moisturizer, and it again**
9 **highlights this ability to fight antiaging or to**
10 **address antiaging needs with a product that is also**
11 **giving you moisturizer and SPF.**
12 **Q. And Opposer's Exhibit No. 36 --**
13 **A. Yep.**
14 **Q. -- I'm assuming is a related promotion?**
15 **A. Correct. So with -- this exhibit is**
16 **also from Hollywood Life. In the page I was just**
17 **mentioning they talked about the list of products**
18 **that they would recommend. This is the individual**
19 **product page highlighting specifically the Aveeno**
20 **Positively Ageless Correcting Tinted Moisturizer.**
21 **Q. Now, in Exhibit No. 37 I want to**
22 **actually ask you -- I want you to do the same thing**
23 **and describe this for me, but I also want to ask you**
24 **something about it after you do that, so...**
25 **A. Okay.**

Collins - Cahr 80

1 **Q. So this is another thing you printed**
2 **out?**
3 **A. Yep. This is from**
4 **gouldyloxreviews.com. It is a blog. This is a**
5 **blogger that is talking about our product line and**
6 **talking about the Aveeno Positively Ageless Daily**
7 **Exfoliating Cleanser as part of a regimen to help**
8 **cleanse, treat, and moisturize and protect every**
9 **day.**
10 **Q. Now, this particular release in the**
11 **second paragraph talks about how it's important to**
12 **befriend a good dermatologist.**
13 **A. Yep. Yes.**
14 **Q. Does that signify that -- and if it**
15 **does, could you explain what the significance of**
16 **that is in your industry --**
17 **A. Um-hum.**
18 **Q. -- that consumers view dermatologists**
19 **and the skin care products like the ones you sell**
20 **under the Positively Ageless brand as being**
21 **connected in their minds?**
22 **A. Yes. So this blogger is obviously**
23 **talking about how if you want to look younger you**
24 **need to start taking care of your skin earlier. So**
25 **if you're 70, it's probably too late. You want to**

Collins - Cahr 81

1 **earlier start to address some of the skin care**
2 **needs, and specifically they talk about having a**
3 **relationship and developing a relationship with a**
4 **dermatologist, specifically because dermatologists**
5 **are experts in skin care. There may be particular**
6 **issues that an individual would want to address that**
7 **they would go to a dermatologist to get**
8 **recommendations and find the best way to treat some**
9 **of these skin care needs.**
10 **And so what this blogger is doing is**
11 **talking about how there are a number of things that**
12 **you can do to address your antiaging needs. There**
13 **should be a regimen usage and they talk about**
14 **cleansing, treating, moisturizing, protecting, but**
15 **it also talks about developing that relationship.**
16 **That professional relationship will help make sure**
17 **you're doing all the right things and there are no**
18 **other skin issues that you are facing.**
19 **Q. So given that association in the public**
20 **mind, if somebody were selling for professional use**
21 **a product called Positive Ageing, would you view**
22 **that as a problem? As potentially confusing?**
23 **A. Yes. Again, I think the confusion**
24 **between the dermatologists or the confusion between**
25 **the patient of the dermatologists around the same**

1 product benefit with a very similar -- similar
 2 execution of the words positive and the words age
 3 could cause confusion because those patients are
 4 looking to the dermatologist as an expert and
 5 someone that's able to provide them with a
 6 recommendation for a product that would work.

7 Q. [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]

12 A. Yes. I think -- yes. I think that
 13 there is enough similarity where consumers would get
 14 confused and where a new entrant with a very similar
 15 -- similar suggestive mark, consumers would derive
 16 the same conclusion.

17 Q. Thank you. I just have a couple more
 18 of these.

19 If you could take a look at Opposer's
 20 Exhibit No. 38?

21 A. Yep. So --

22 Q. And again, you printed this out?

23 A. Yep. Yes. So these are actually
 24 screen prints from a video from the Today Show, so
 25 another place where there is some credibility is

1 towards morning shows such as the Today Show that
 2 allows us to reach a broad audience to talk about
 3 what our products could do, and in this case some of
 4 the on-air talent is talking about our Positively
 5 Ageless product line and specifically the Aveeno
 6 Positively Ageless Correcting Tinted Moisturizer.

7 Q. That's on page 2 of this exhibit,
 8 correct?

9 A. Correct. Yeah. These are -- the
 10 screen shots on page 1 and page 2 just illustrate
 11 that that video exists. The whole video is actually
 12 available online through the link on the bottom.

13 Q. Now, it mentions, it's under the line
 14 Beauty in your 30s?

15 A. Um-hum. Yes.

16 Q. Is that because you think it's
 17 important to start with that demographic at that
 18 point?

19 A. Yeah. So from our standpoint when we
 20 think about it we're not a hundred percent targeting
 21 on age demographic, we're looking at the skin need
 22 that they might have, and so it's more of a benefit
 23 sought or a psychographic, if you will, not
 24 necessarily a pure demographic. Aveeno the brand is
 25 one where we have solutions that we hope to move you

1 along from throughout our product line, and the
 2 antiaging is as you continue to see more signs of
 3 aging you would address these concerns.

4 In this spot they want to talk about
 5 products as you get older because obviously your
 6 skin ages, naturally, and there are different needs
 7 you need in your 30s, 40s, and 50s, so they're
 8 highlighting this as a product -- it's a great
 9 product for someone in their 30s that are beginning
 10 to see those signs of aging, and they want to cover
 11 up some of that. Because the tinted component, also
 12 we know that often younger consumers are using more
 13 products, using more cosmetics, and this would be a
 14 good replacement mention.

15 Q. Okay. And then the last one of this
 16 group is Opposer's Exhibit No. 39, which is this a
 17 color copy or is this a printout from online?

18 A. This is publications will often give
 19 us the file of the mention in the magazine, and so
 20 what this is is a printout of that file.

21 Q. And it's a two-page exhibit, correct?

22 A. Correct. This is from Woman's Day.
 23 The first page is just simply to show the cover of
 24 that February issue of Woman's Day, and on page 65
 25 of that magazine there's a mention here of our

1 Aveeno Positively Ageless Skin Strengthening Hand
 2 Cream. And as you can see in some of the
 3 explanation here it's talking about how women are
 4 not only looking for those benefits on their face,
 5 but looking at those benefits at other parts of
 6 their body, specifically on their hands as they
 7 become rough and brittle and cracked, and so the
 8 Aveeno Positively Ageless Skin Strengthening Hand
 9 Cream can address those needs.

10 Q. And again, it mentions that it's
 11 available at drug stores, but it's available through
 12 all the various different chains of trade that we
 13 discussed before?

14 A. Correct. Correct.

15 Q. And this is from the February 2013
 16 issue. So this is --

17 A. Yes.

18 Q. This shows that these efforts are --

19 A. Ongoing.

20 Q. Are ongoing?

21 A. Correct.

22 Q. Now, one thing I want to ask you a
 23 little bit about is the -- and actually, before I do
 24 that I'm going to do this one last one before that.
 25 If you could take a look at Opposer's Exhibit No.

Collins - Cahr 86

1 40?

2 A. Yep.

3 Q. Did you put this together?

4 A. Yes.

5 Q. And can you tell us what this is?

6 A. This is a list of the historic awards

7 and recognitions that we've received specifically

8 under the Aveeno Positively Ageless platform since

9 its launch in 2007. Looks like there are 15 awards

10 that we've won in those five years from various

11 publications, whether it's Cosmopolitan or

12 Totalbeauty.com that I mentioned before or Ebony or

13 Woman's Health, they are awards that those

14 publications give to products that they see as best

15 of, so they may be an editor's pick, it may be the

16 best everyday body protector, it may be the editor's

17 recommendation or reader recommendation, those types

18 of things.

19 Q. So the products sold under the

20 Positively Ageless brand have been widely praised by

21 people in the industry who presumably are doing

22 comparisons between Positively Ageless products and

23 other products?

24 A. Correct. All of these are awards that

25 would run the gamut of skin care, so regardless of

Collins - Cahr 87

1 channel, regardless of where they're sold, they're

2 trying to find -- you know, for example, the first

3 one that is a Cosmo Beauty Award for the Skin

4 Savers, they're the loveliest lather, so they are

5 looking at all the cleansers that provide a benefit

6 that could meet the needs of their readership, and

7 again, that could be sold in mass retailer, it could

8 be sold in specialty stores, it could be sold at

9 department stores, salons, etcetera. They're trying

10 to find that -- the one that they think is the best

11 at providing that benefit, so they recognize the

12 Aveeno Positively Ageless Exfoliating Cleanser as

13 the Skin Saver award for Cosmo.

14 Q. Now, in the column all the way to the

15 left I see that it includes awards from 2007, 2008,

16 2009, 2010, 2011, and 2012?

17 A. Correct.

18 Q. So that's basically --

19 A. Every year.

20 Q. -- every year since it came out?

21 A. Correct.

22 Q. Now, one clarification I'd like, and I

23 think -- I'm not sure if it's just a typo on the

24 document or not, but I just want for clarity it says

25 "2013 Total Beauty.com Award" after the 2007

Collins - Cahr 88

1 listing, second line.

2 A. That is. That is a typo.

3 Q. And so that should actually say 2007?

4 A. Yes.

5 Q. And later in the last two lines which

6 are 2012 where it says "2013 Total Beauty.com

7 Awards," that is correct?

8 A. Correct.

9 Q. Because those are backward looking, so

10 they would be 2013 awards for 2012?

11 A. Correct. The products that were

12 available last year that they announced this year.

13 Q. But other than that the rest of --

14 other than that one typo, everything else is

15 correct?

16 A. Yes.

17 Q. And do you believe that all of these

18 awards and all of this recognition has added more to

19 the brand? And if so, what has it added?

20 A. Yes. So as I mentioned, there are a

21 number of different things that we try to do to

22 build our business, but still the tried and true

23 word of mouth and some sort of third party

24 accreditation is the most powerful thing in our

25 industry, and different than some of the other

Collins - Cahr 89

1 products or categories that consumers buy in like

2 cereal, for example, beauty care is one that is

3 heavily reliant on awards because consumers are

4 heavily involved in the category constantly looking

5 for experts to give them a recommendation because

6 there is so much out there, and there's often

7 confusion between what is really the best thing for

8 them.

9 Q. So when a magazine endorses your

10 product it's a big deal --

11 A. Correct.

12 Q. -- and adds a lot to the brand?

13 A. Correct.

14 Q. And you believe that the Positively

15 Ageless brand has become particularly well known in

16 the space?

17 A. Yes. I think that when we talk to

18 consumers through focus groups they will often

19 mention that they've used an Aveeno Positively

20 Ageless product. Industry publications, as is

21 evident from the fact that we've won awards since

22 the launch, are aware and know of the product line

23 that we have around Positively Ageless. So we've

24 invested and built a lot of that credibility, as

25 well as the consistency between from launch until

<p>Collins - Cahr 90</p> <p>1 now.</p> <p>2 Q. And do you believe the fact that you're</p> <p>3 the only mark that has positive and age in the mark</p> <p>4 in your space helps you in that regard?</p> <p>5 A. I think that it allows us to be</p> <p>6 distinguished and to be unique from the other --</p> <p>7 other product offerings in our space and is</p> <p>8 definitely something that is closely associated with</p> <p>9 what we're -- the skin needs we're trying to address</p> <p>10 as well as the Aveeno antiaging line and the product</p> <p>11 offering that would address those antiaging needs.</p> <p>12 Q. Now, is consumer recognition important</p> <p>13 because of the way people buy these products?</p> <p>14 A. Yeah. So -- yes. So as consumers are</p> <p>15 shopping the shelf or walking down the aisle, they</p> <p>16 run the gamut as far as some that are picking up</p> <p>17 every package and reading everything, and there are</p> <p>18 other people that are making that decision very</p> <p>19 quickly. So they may be walking down the aisle and</p> <p>20 looking for a product that they've used before or</p> <p>21 that they've seen through like a magazine</p> <p>22 recommendation like we talked before or a print ad</p> <p>23 or a TV advertisement that they saw, but they still</p> <p>24 are pressed for time like all of us, and they may</p> <p>25 walk down and quickly grab a product, so it's</p>	<p>Collins - Cahr 92</p> <p>1 could have a product that's a cleanser for 4- or</p> <p>2 \$5.00 like a St. Ives, all the way up to a La Mer</p> <p>3 product that's hundreds of dollars. So we're going</p> <p>4 to run the whole gamut of price points.</p> <p>5 Specifically with who we consider our competitive</p> <p>6 set, a brand like Olay has products that are up to</p> <p>7 50-, \$60.00 for a product. Our Aveeno Positively</p> <p>8 Ageless platform is priced at a premium from our</p> <p>9 exis- -- all of our other lines because of the fact</p> <p>10 that the benefits sought are of higher order and are</p> <p>11 ones that can -- because of the effectiveness of the</p> <p>12 product can command a higher price. When we look in</p> <p>13 the spectrum, like I said, of that 5- to \$60.00,</p> <p>14 we're kind of a mid tier price. We often refer to</p> <p>15 it as masstige. So it's not prestige, it's not</p> <p>16 mass, it's this combination of mass and prestige,</p> <p>17 and so that's where we see the role, and consumers</p> <p>18 have different reference points, so depending on</p> <p>19 where they're shopping from, 20-, \$30.00 may be a</p> <p>20 lot. For other folks it may be a great deal, so</p> <p>21 they're seeing it as an opportunity for them to get</p> <p>22 a benefit at a really good value.</p> <p>23 Q. And what's the least expensive product</p> <p>24 you sell?</p> <p>25 A. Under Aveeno?</p>
<p>Collins - Cahr 91</p> <p>1 important for us to highlight and speak to the</p> <p>2 benefit that we are providing through that product</p> <p>3 because of that dynamic at shelf.</p> <p>4 Q. Because the brand -- people's</p> <p>5 recognition of the brand is critical for you either</p> <p>6 way, whether they're just --</p> <p>7 A. Correct.</p> <p>8 Q. -- doing this quickly or whether or not</p> <p>9 they're spending some time in the space?</p> <p>10 A. Correct. I think if we're addressing</p> <p>11 the quickly consumer, we want to be as transparent</p> <p>12 and as recognizable as possible and as clear as</p> <p>13 possible. For someone who is spending more time we</p> <p>14 want to provide the detail and provide the</p> <p>15 credentials or the descriptions as to why our</p> <p>16 product is going to meet their -- whatever specific</p> <p>17 need they're looking for.</p> <p>18 Q. And as for the price points of these</p> <p>19 products, you know, describe for me the range. You</p> <p>20 know --</p> <p>21 A. Yep.</p> <p>22 Q. -- what's the cheapest, and what's the</p> <p>23 most expensive?</p> <p>24 A. So overall in the antiaging space and</p> <p>25 even in the facial care -- facial care space you</p>	<p>Collins - Cahr 93</p> <p>1 Q. Under the Positively Ageless.</p> <p>2 A. Under the Positively Ageless? It is</p> <p>3 the cleanser that is \$9.00. \$9.50.</p> <p>4 Q. And the most expensive product that</p> <p>5 you --</p> <p>6 A. The most expensive is the complete</p> <p>7 antiaging kit, which is \$35.00.</p> <p>8 Q. And that's one that's a combination of</p> <p>9 four products?</p> <p>10 A. Multiple products. Correct.</p> <p>11 Q. What's the most expensive individual</p> <p>12 product you sell?</p> <p>13 A. Individual product is \$19.99.</p> <p>14 Q. So individual products are between</p> <p>15 \$9.99 and \$19.99?</p> <p>16 A. Yes.</p> <p>17 Q. So we're not talking about people</p> <p>18 purchasing a car?</p> <p>19 A. Correct. Correct. There is -- again,</p> <p>20 depending on your reference point, but for the</p> <p>21 majority of our consumers this is a relatively low</p> <p>22 risk purchase in their minds, but also still</p> <p>23 something that they are investing behind. They want</p> <p>24 to get a product that works. It's still \$20.00 that</p> <p>25 they're pulling out of their pocket that they could</p>

<p>Collins - Cahr 94</p> <p>1 spend somewhere else, and as competitive as our</p> <p>2 category is, there are other solutions that are in</p> <p>3 the same price point or a couple dollars more or a</p> <p>4 couple dollars cheaper, and so if they're going to</p> <p>5 buy -- consumers aren't buying this product every</p> <p>6 week. It's not the type of thing that they're</p> <p>7 buying on a regular basis, so it is something that</p> <p>8 when they purchase it they want to know that it's</p> <p>9 going to work for that period of time.</p> <p>10 Q. Is that why the branding is so</p> <p>11 important?</p> <p>12 A. Yeah. I think that they -- the</p> <p>13 branding allows us to be able to say this is</p> <p>14 something -- like I said, our suggestiveness of our</p> <p>15 mark allows us to explain the benefit that they're</p> <p>16 looking for, and if they're considering antiaging</p> <p>17 products adds to some credibility on why it might</p> <p>18 work.</p> <p>19 Q. How important is antiaging to consumers</p> <p>20 as a benefit?</p> <p>21 A. I think as I mentioned earlier, the</p> <p>22 two major needs states when people think about their</p> <p>23 facial care products it's acne and it's antiaging,</p> <p>24 and so the overall antiaging business as we quantify</p> <p>25 it is 1.2 billion annually, and it's 40 percent of</p>	<p>Collins - Cahr 96</p> <p>1 A. Correct.</p> <p>2 Q. -- benefits sought by consumers?</p> <p>3 A. Yes. And it's just a different</p> <p>4 demographic. When you think about it, it's really</p> <p>5 in terms of age, most consumers who have acne are</p> <p>6 consumers who are teenagers, and there are some</p> <p>7 consumers who as they're, you know, 20s and 30s that</p> <p>8 still have acne issues, but obviously as you get</p> <p>9 older and your hormone levels change you have less</p> <p>10 incident of acne. At that point your skin has</p> <p>11 started to age, and you've started to drop off, if</p> <p>12 you will, some of the -- some of the issues that you</p> <p>13 may face, so really it's kind of two separate</p> <p>14 groups, and it is the most sought after need for the</p> <p>15 older demographic.</p> <p>16 Q. And that's why Positively Ageless is</p> <p>17 such an important mark for Johnson & Johnson, right?</p> <p>18 A. Correct. And as we think of being</p> <p>19 leaders in facial care and leaders in skin care for</p> <p>20 Aveeno, antiaging and facial care is paramount to</p> <p>21 that.</p> <p>22 Q. And do you believe that that's an</p> <p>23 expanding market?</p> <p>24 A. As baby boomers continue to age and as</p> <p>25 that population continues to be more prevalent and</p>
<p>Collins - Cahr 95</p> <p>1 the total facial care category is specific to</p> <p>2 antiaging needs. And the way that we categorize</p> <p>3 that and the logic on how we classify that is the</p> <p>4 benefits, again, around wrinkles, around fine lines,</p> <p>5 around sagging and elasticity, around dark circles</p> <p>6 around your eyes. Different than a pure base</p> <p>7 moisturizer where if I have dry skin I want a</p> <p>8 moisturizer, or if I have dirty skin I want to get</p> <p>9 it clean, antiaging is a more specific benefit</p> <p>10 around the things I mentioned.</p> <p>11 Q. Now, do you have any sort of data</p> <p>12 showing, you know, how interested consumers are in</p> <p>13 it in terms of how they search it or anything like</p> <p>14 that?</p> <p>15 A. Yep. From a -- from our Google</p> <p>16 Analytics, when we -- we are able to purchase</p> <p>17 advertising, and the way Google has structured their</p> <p>18 model is it costs more if there are more searches</p> <p>19 for it. Acne and antiaging are the two most sought</p> <p>20 after terms, so when someone is talking about</p> <p>21 reducing wrinkles or getting rid of my wrinkles or</p> <p>22 any of those, those are the most expensive terms are</p> <p>23 either acne or antiaging, and they're very similar.</p> <p>24 Q. So in the skin care area antiaging is</p> <p>25 one of the two most significant --</p>	<p>Collins - Cahr 97</p> <p>1 spend more on their overall health care, definitely</p> <p>2 the antiaging market has grown.</p> <p>3 Q. One more thing I want to go back to.</p> <p>4 Before you mentioned about Bliss and some of the</p> <p>5 other competitors about how they have a full line of</p> <p>6 products that span both from the product categories</p> <p>7 into the service categories.</p> <p>8 A. Um-hum. Yes.</p> <p>9 Q. And that it's customary for beauty and</p> <p>10 hairdressing salon services to be branded under the</p> <p>11 same marks as some of the products that are used --</p> <p>12 A. Yep.</p> <p>13 Q. -- in those services?</p> <p>14 A. Yes.</p> <p>15 Q. Is there commonly a migration of</p> <p>16 products that are sold initially to dermatologists</p> <p>17 or to spas into the retail market?</p> <p>18 A. We've seen a number of -- number of</p> <p>19 brands that have come from spa or comes from the</p> <p>20 dermatologist community that began there as a</p> <p>21 smaller -- smaller business, but as they look to</p> <p>22 grow the business they moved into mass retailers</p> <p>23 such as a Target, such as an ULTA, as we mentioned</p> <p>24 before, and the ability to grow that business, you</p> <p>25 get to reach more people as you get distribution on</p>

1 those types of things, so even though they started
2 as a smaller population, as they tried to grow their
3 business they expanded beyond that dermatologist's
4 office or that individual spa.

5 Q. So are there any examples that you
6 could think of offhand on those fronts?

7 A. Yeah. You know, Bliss would be one of
8 the examples. Origins would be one of the examples.
9 Boots, which is a British pharmacy, they have a
10 brand called No. 7 that is large in the U.K.,
11 specifically around their -- developed by
12 dermatologists, etcetera. They've moved into the
13 space. Proactive is another example in the acne
14 space that is primarily sold online, but they have
15 kiosks and have distribution in other places that
16 have come from a dermatologist heritage. Murad is a
17 brand that was developed by a dermatologist that
18 began in a dermatologist's office and has since
19 expanded into mass retailers.

20 Q. So it would be of no comfort to you if
21 someone said, well, I'm just selling my skin care
22 product in a dermatologist's office?

23 A. Yes. Often we -- on one end from the
24 consumer standpoint, the consumer doesn't
25 necessarily see a difference. They are looking for

1 the same resolution, and so when we are looking at
2 our competition we don't exclude that from our
3 competitive set. So if someone is going to buy
4 product X developed by dermatologists or product Y
5 sold at X spa, they're deciding between that product
6 and an alternative like our Aveeno Positively
7 Ageless, and so it's not a separate marketplace just
8 because the doors are different.

9 MR. CAHR: Okay. Let's take a quick
10 break momentarily.

11 THE WITNESS: Okay.

12 (Recess taken from 11:49 to 11:50
13 a.m.)

14 Q. Mr. Collins, I think we are done.
15 Thank you very much for your time today.

16 MR. CAHR: And thus concludes the
17 testimonial deposition of William Collins.

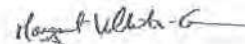
18 (Deposition concluded at 11:51 a.m.)
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1 CERTIFICATE

2
3 I, MARGARET VOLLMUTH-CORSON, a Certified
4 Court Reporter and Notary Public of the State of New
5 Jersey, DO HEREBY CERTIFY that, prior to the
6 commencement of the examination, WILLIAM COLLINS was
7 duly sworn by me to testify the truth, the whole
8 truth, and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is a
10 true and accurate transcript of the testimony as
11 taken stenographically by and before me at the time
12 and place and on the date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am neither a
14 relative nor employee nor attorney nor counsel of
15 any of the parties to this action and that I am
16 neither a relative nor employee of such attorney or
17 counsel and that I am not financially interested in
18 this action.

19 

21 MARGARET VOLLMUTH-CORSON, C.C.R. 30XI00158400
22 Notary Public No. 2035720

23 This transcript was prepared in accordance with
24 N.J.A.C. 13:43-5.9.
25

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOHNSON & JOHNSON,

Opposer,

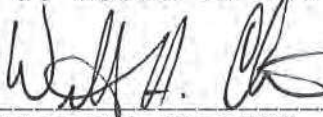
-v-

VALENTINO GITTO,

Applicant.

TESTIMONIAL
DEPOSITION OF
WILLIAM COLLINS


I, WILLIAM COLLINS, hereby certify that I have read the transcript of my testimony taken under oath on the 21st day of May, 2013, and that the transcript is a true and complete record of the deposition as given by me, except as noted in the errata sheet.


WILLIAM COLLINS

State of New Jersey)
County of Somerset) SS:

On this, the 23 day of July, 2013, before me, a notary public, personally appeared William Collins known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.


Notary Public

PATRICIA E. OLIVO
ID 2269902

NOTARY PUBLIC OF NEW JERSEY
CRUC & COMPANY, LLC
My Commission Expires Nov. 22, 2015

ERRATA SHEET

PAGE/LINE NO.CORRECTION

Page 8, Line 17 change "worked in operations in HR" to
"worked in operations and HR"

Page 9, Line 8 change "after my first year of
business --" to "after my first year
of business school"

Page 23, Line 16 change "and a different perception
in consumers" to "a different
perception by consumers"

Page 27, Line 4 change "natural bend" to "natural bent"

Page 63, Line 22/23 change "created video assets that we
then lived on the SheKnows web site"
to "created video assets that then
lived on the SheKnows web site"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Ser. No. 79/061,192 - ^{POSITIVE} ageing
Published July 27, 2010

JOHNSON & JOHNSON, :

Opposer, :

v, :

Opposition No. 91-197584

VALENTINO GITTO :

Applicant. :

NOTICE OF TRIAL DEPOSITION

To: Valentino Gitto
147 Route de Saint Pierre de Feric
F-06000 Nice, France

Please take notice that Opposer Johnson & Johnson ("Opposer") will take in the above-captioned action, for use as authorized by the Trademark Rules of Practice, the trial deposition by oral examination of Mr. William Collins, Brand Manager for AVEENO® Face, Johnson & Johnson Consumer Companies, Inc., to be recorded stenographically before an official reporter authorized to administer oaths on Tuesday, May 21, 2013 at 10:00 a.m. EST, at the office of Drinker Biddle & Reath LLP, at 105 College Road East, Princeton, New Jersey 08542-0627.

You are invited to attend and cross examine the witness.

Dated: April 18, 2013

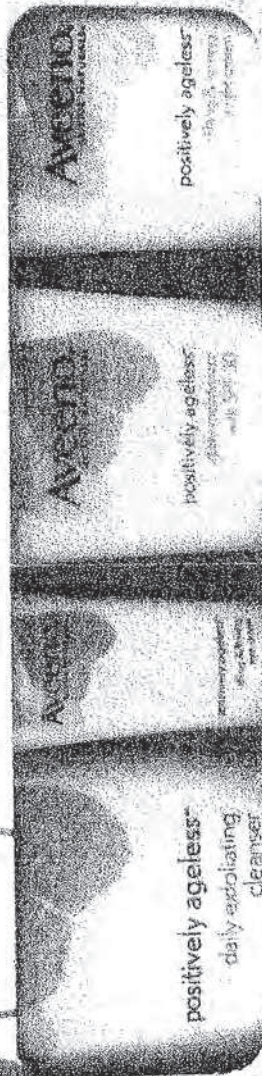
Respectfully submitted,

By: Jaye S. Campbell
Darren S. Cahr
Jaye S. Campbell
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel: (202) 842-8800
Fax: (202) 842-8465
Attorneys for Opposer



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COMPLEX

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4
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ageless®

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scrub
with vitamin C

exfoliates to
smooth for
a more even tone

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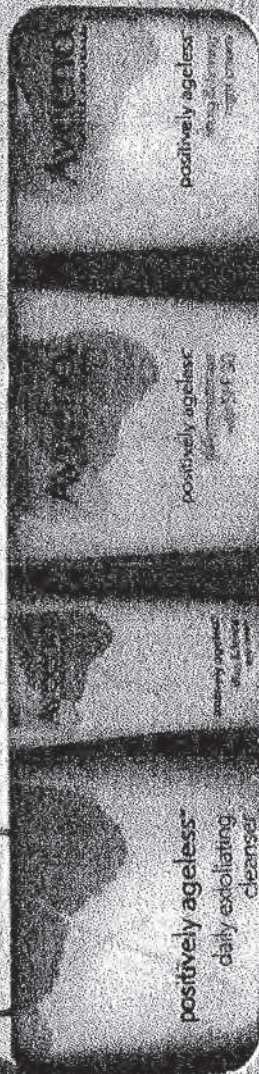
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ACTIVE NATURALS[®]



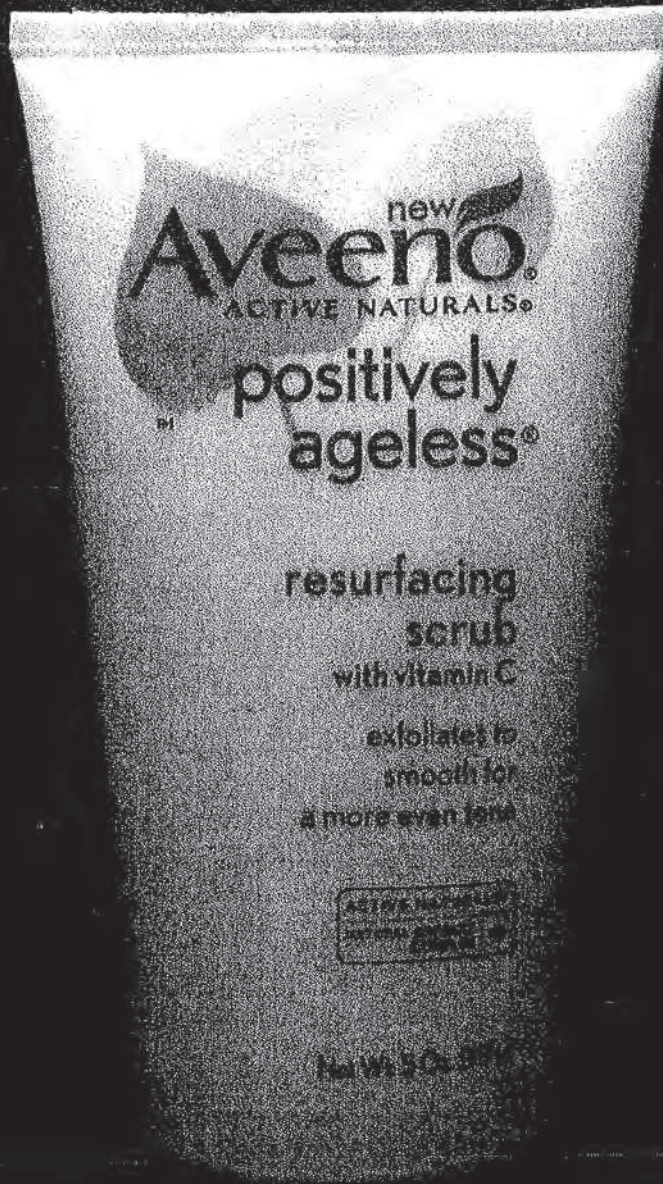
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100% of women showed younger
looking skin in one week*

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EXHIBIT
Oppose's
4
Stalliz rwc
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new
Aveeno
ACTIVE NATURALS[®]
**positively
ageless**[®]

resurfacing
scrub
with vitamin C

exfoliates to
smooth for
a more even tone

ACTIVE NATURALS
SUNSCREEN
SPF 15

Net Wt 5 Oz (141g)

EXHIBIT
Opposer's
5
Stallia HVC

new
Aveeno.
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**positively
ageless®**

correcting
tinted moisturizer
with vitamin C

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UVA/UVB
protection

light to medium

instantly helps even tone and texture
with natural-looking coverage

reveals youthful,
healthy looking skin

ACTIVE NATURALS®

PCNGAD 800-331-5985

EXHIBIT

Opposer's

6
stable nvc

new
Aveeno
ACTIVE NATURALS[®]

positively ageless[®]

skin
strengthening
body cream

for dry, fragile skin
restores and strengthens
moisturizes for 24 hours

DERMATOLOGIST
RECOMMENDED



net wt. 7.3 oz. (207g)

EXHIBIT
Opposer's
1
Stallib, Inc.
FENGAD 800-431-6369



PENGAD 800-331-6888
EXHIBIT
Opposer's
8
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Aveeno.
ACTIVE NATURALS®

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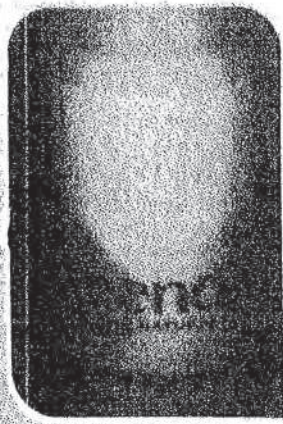
youth perfecting
moisturizer
with
sunscreen

SPF 30

EXHIBIT
Opposer's
9
stabiliz muc
PENGAD 800-331-4369

Aveeno

positively ageless



EYE

lifting & firming eye cream

Helps lift the appearance of
fine lines, wrinkles and the age line

0.5 fl oz (15 mL)

PENGAD 800-631-6369

EXHIBIT

Opposer's
10

stiles nvc

new
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ACTIVE NATURALS®

positively ageless®

**skin
strengthening
hand cream**

for dry, fragile skin
restores and strengthens
moisturizes for 24 hours

DERMATOLOGIST
RECOMMENDED



net wt. 2.7 oz. (76 g)

EXHIBIT
Opposer's
11
5/21/13 JWC
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new look

Aveeno
ACTIVE NATURALS

positively ageless®

Aveeno.
ACTIVE NATURALS
positively ageless®
restructuring treatment cream

FIRM
restructuring treatment cream

ACTIVE NATURALS
restructuring treatment cream

Hydrates to help reinforce surface
functions & improve firmness

17 fl.oz. (500 ml.)

EXHIBIT

Opposer's

12

Stella RUC

PEKQAD 800-631-6889

new look

Aveeno
ACTIVE NATURALS

positively ageless



NIGHT
reconditioning night cream

ACTIVE NATURALS
NATURAL OILS
EXTRACTS

Nourishes while you sleep to
reduce the visible signs of aging

17 fl oz (50 mL)

EXHIBIT
Opposer's
5/31/13
PERIOD 600-631-6999

new look **Aveeno**
ACTIVE NATURALS
positively ageless



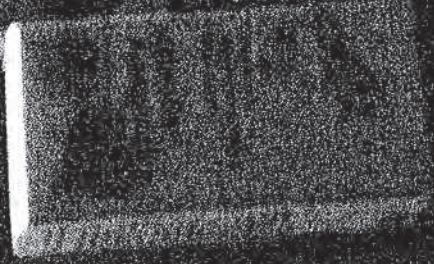
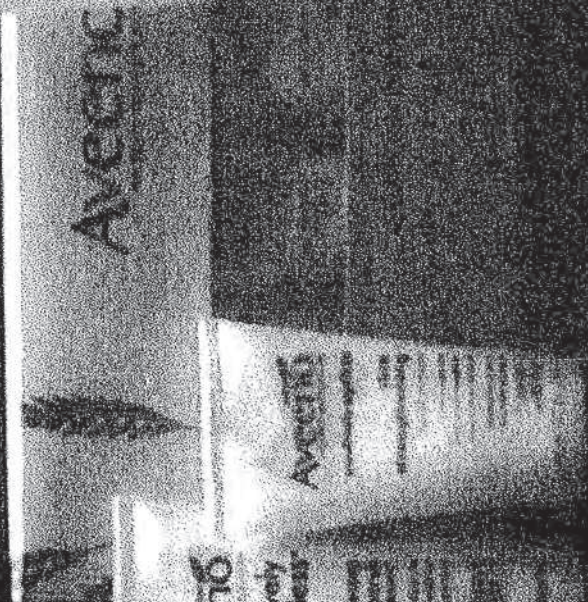
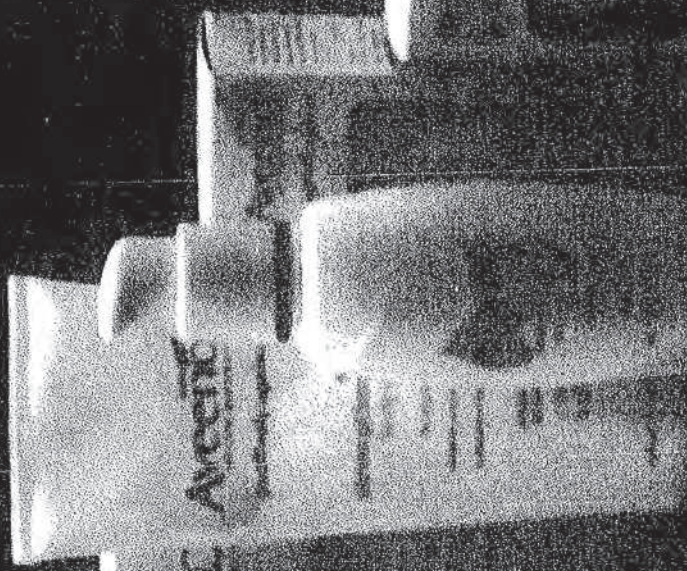
NIGHT
reconditioning night cream

Moisturizes while you sleep to
reduce the visible signs of aging

17 fl oz (50 mL)

EXHIBIT
Opposer's
13
5/3/13
PENGAD 600-891-6939

EXHIBIT
Opposer's
14
5/1/13 MUC
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Services

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IC 044. US 100 101. G & S: Medical services; hygienic and beauty care for human beings or animals; plastic surgery; nursing homes with medical care; beauty salons; hairdressing salons

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 79061192

Filing Date September 19, 2008

Current Basis 66A

Original Filing Basis 66A

Published for Opposition July 27, 2010

International Registration Number 0982863

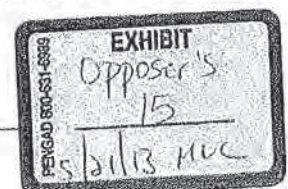
Owner (APPLICANT) Valentino GITTO INDIVIDUAL FRANCE 147 Route de saint Pierre de Feric F-06000 Nice FRANCE

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the wording "POSITIVE AGEING" where the letter "I" in "POSITIVE" consist of a plus sign with circle above it.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

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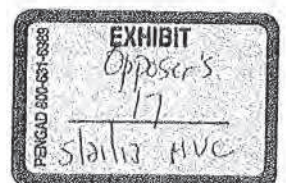
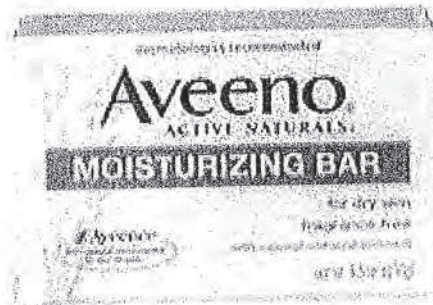


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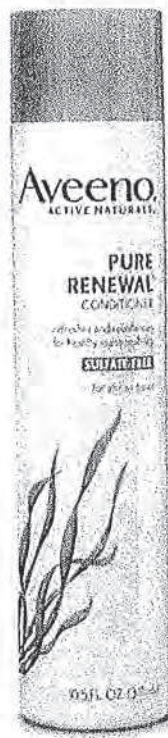
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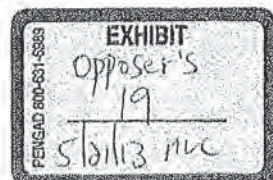
Giant Eagle

AHOLD

ULTA

Bed, Bath & Beyond

BJ's



Positively Ageless Reported Spend (\$M)			
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	DRTV		
	Print		
	Digital		
	OOH		
	Search		
	Other		
Face Total			
Body	TV		
	DRTV		
	Print		
	Digital		
	Body Total		
Sun	Print		
	Sun Total		
TOTAL Positively Ageless			

"Other" spend includes Word of Mouth campaign with Buzz agents & direct mail campaign

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20
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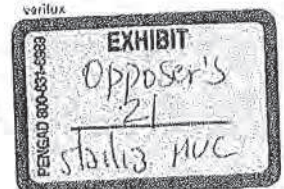
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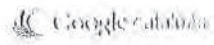
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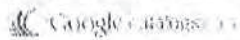
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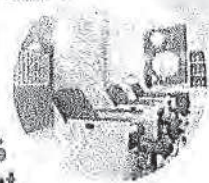
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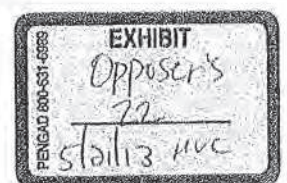
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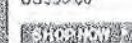
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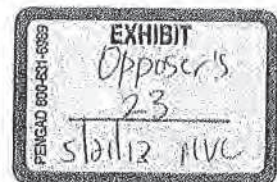
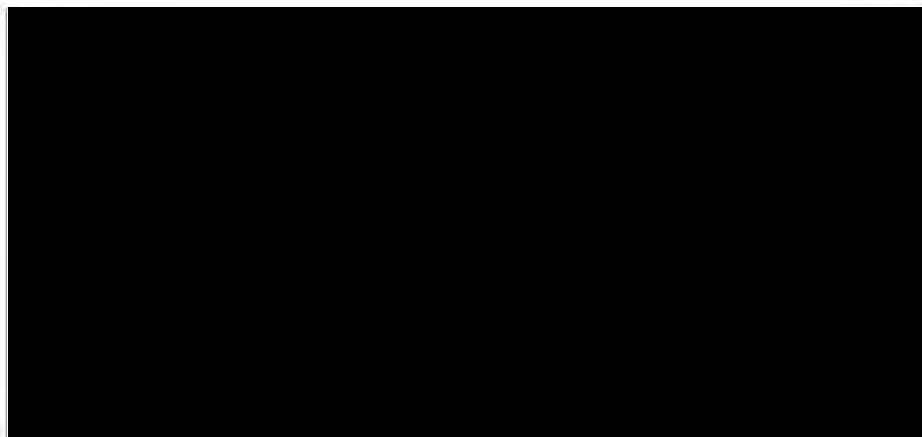


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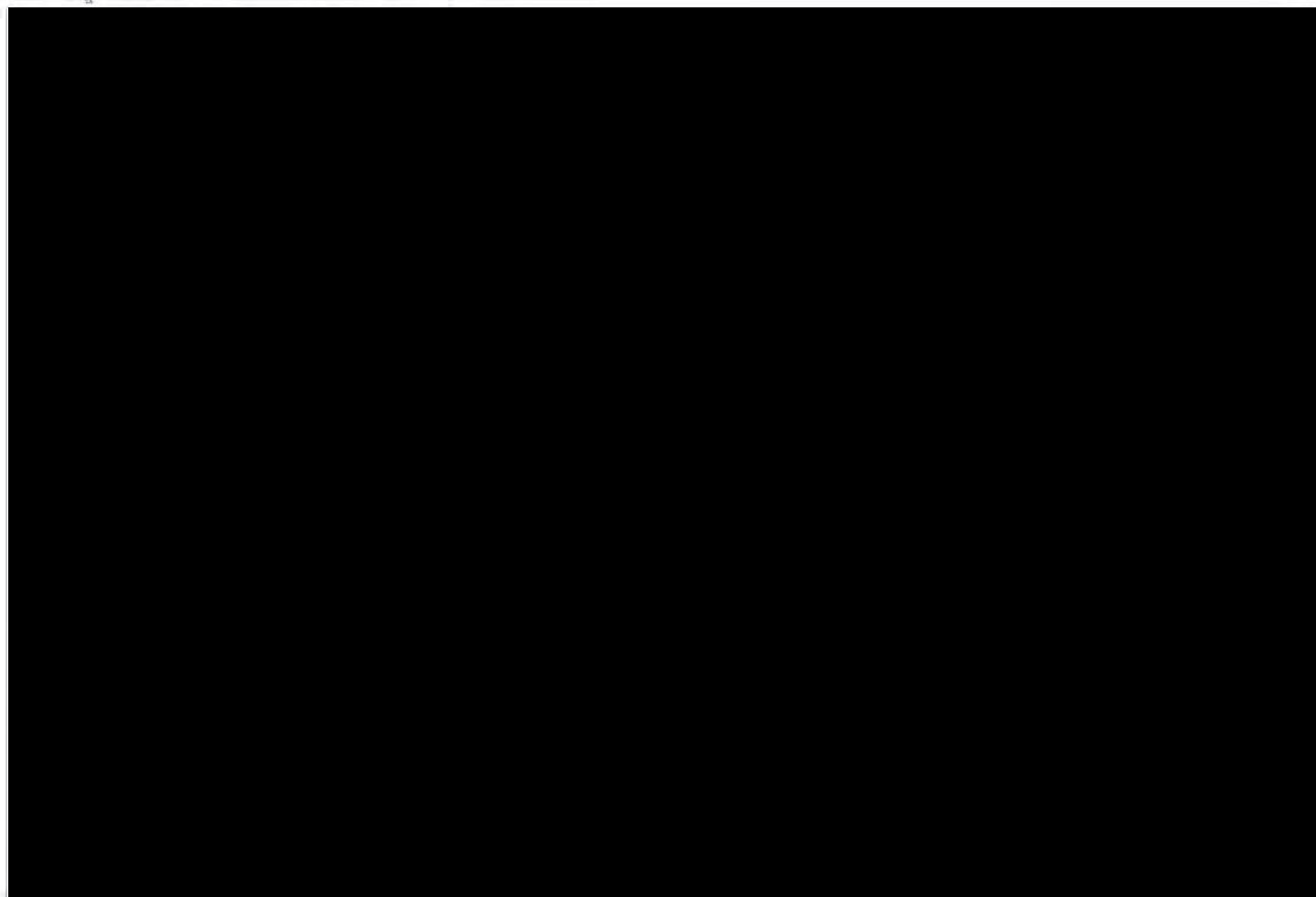


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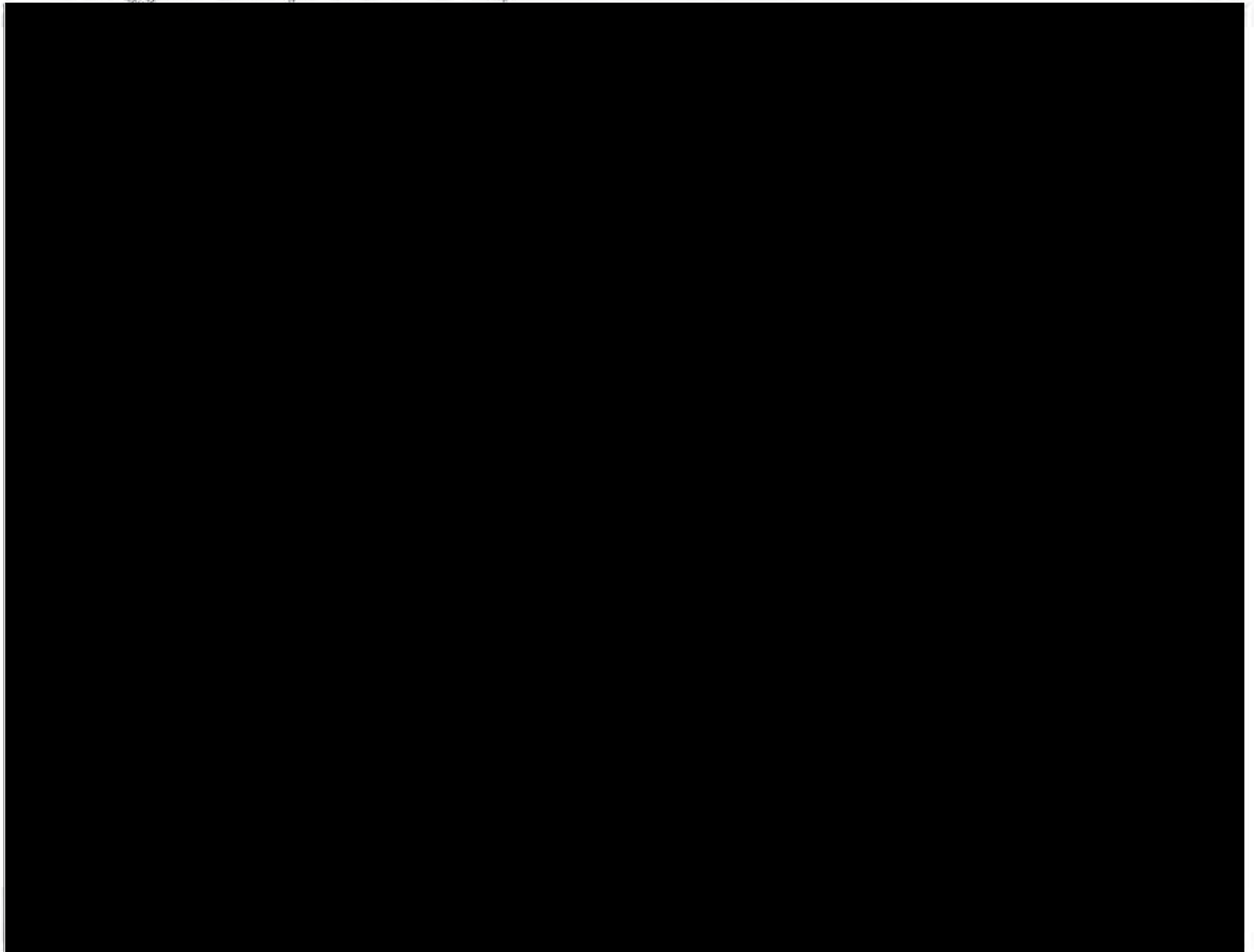


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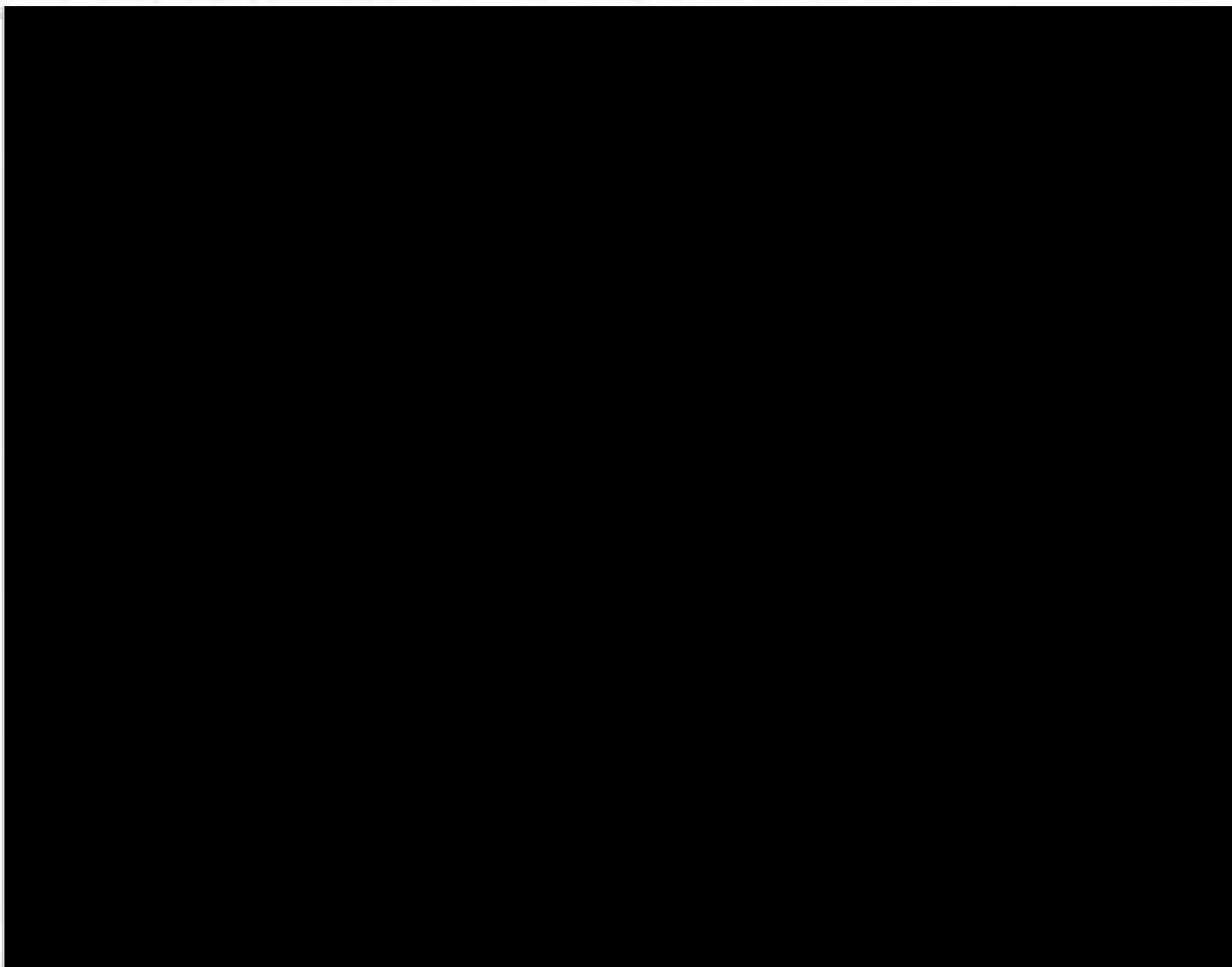
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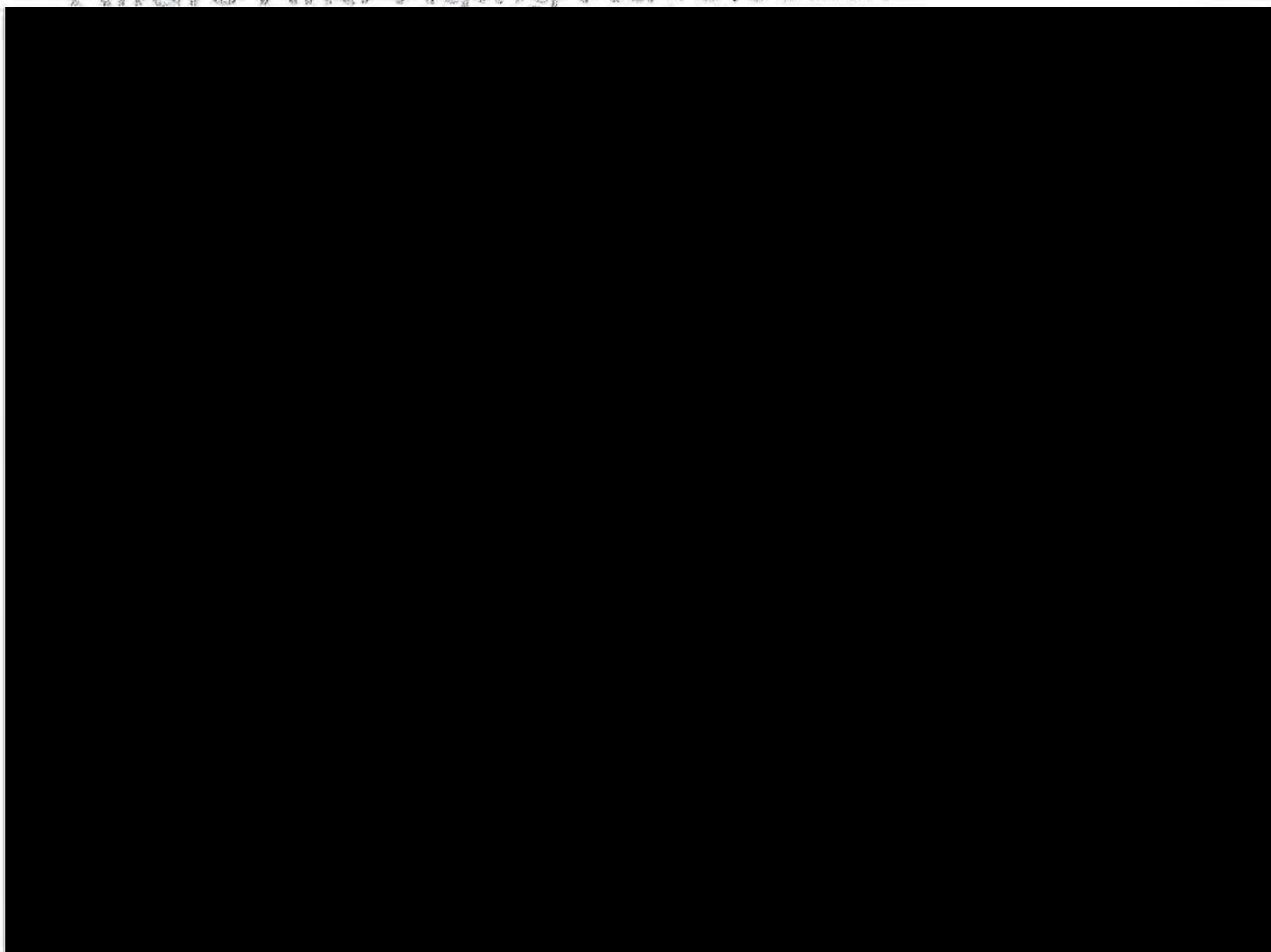
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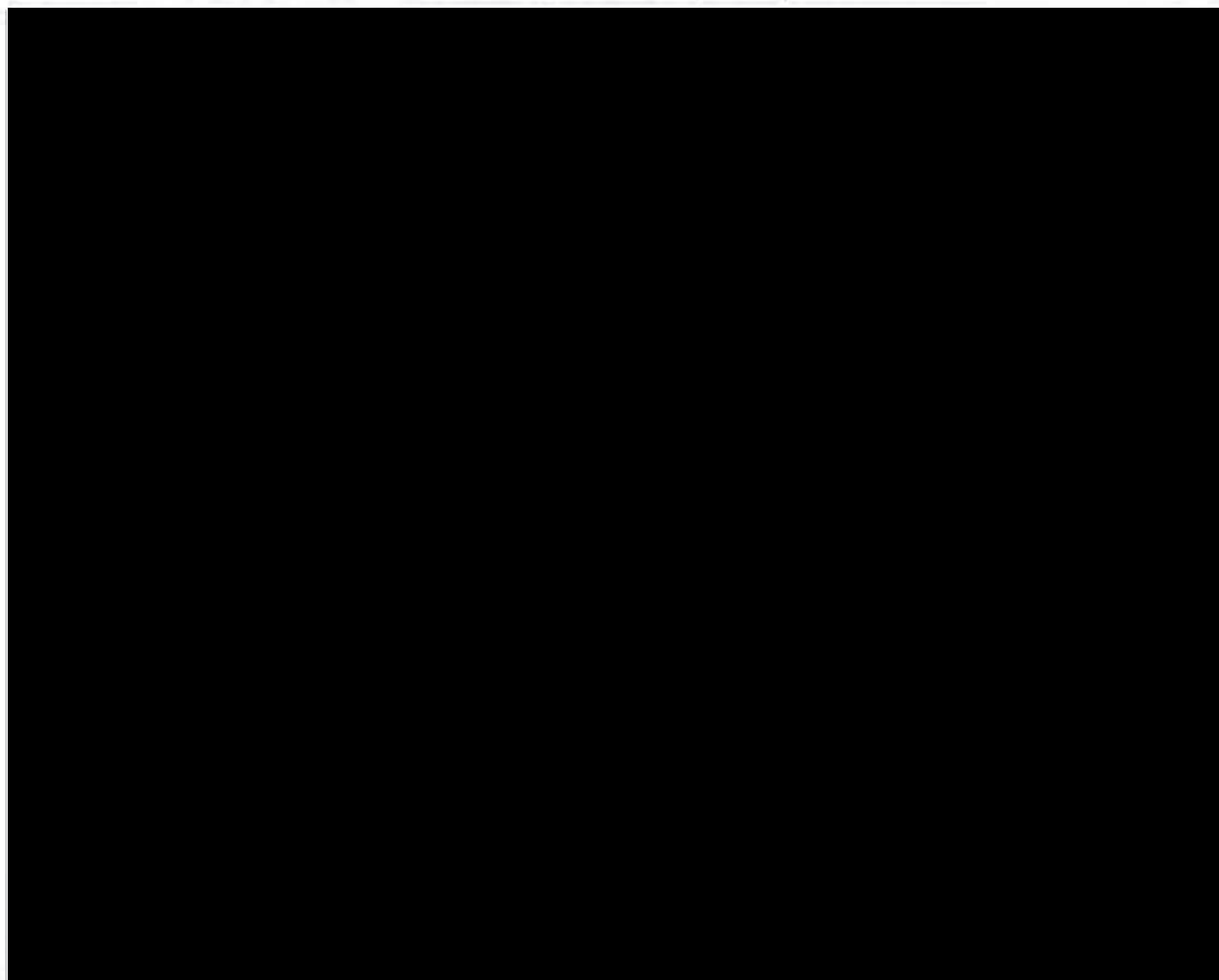
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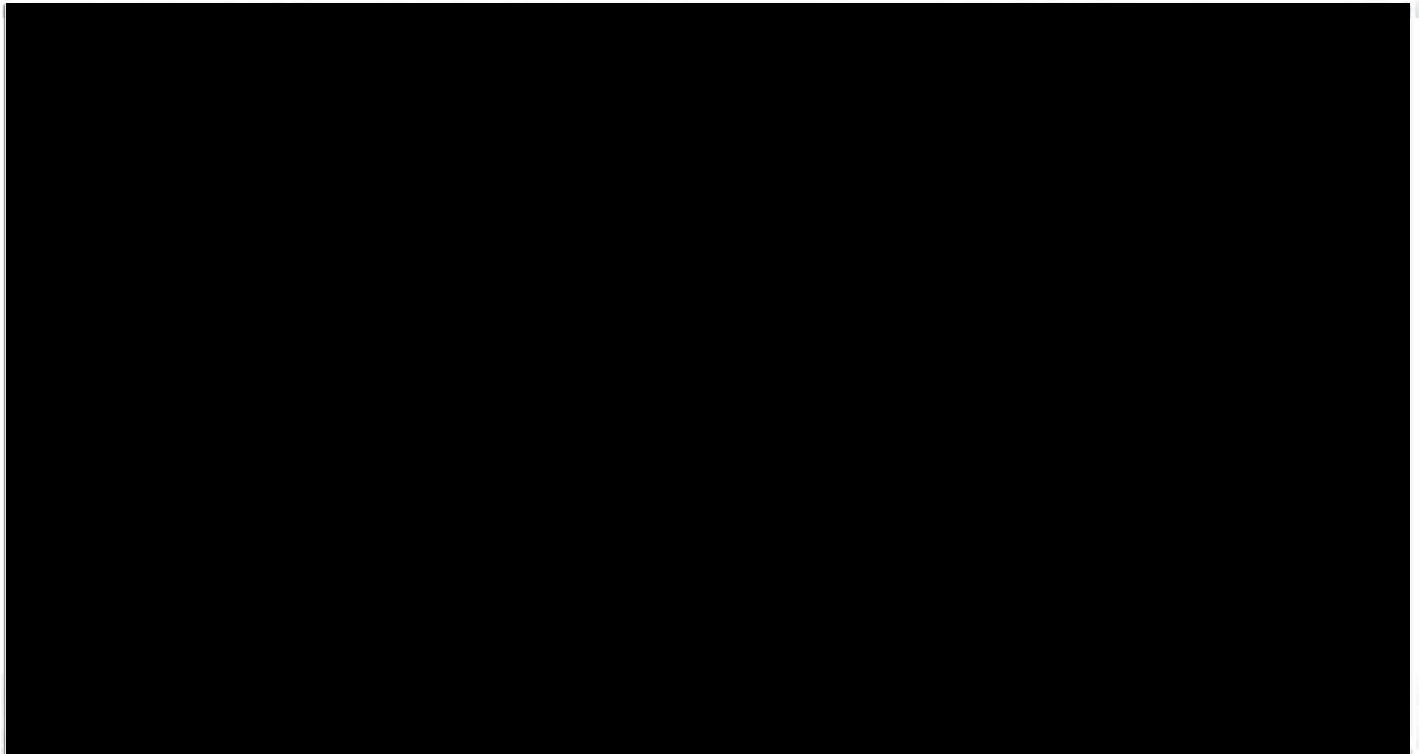
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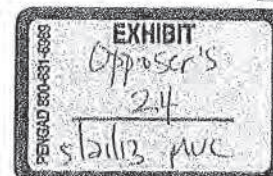
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Staying moisturized is vital to keeping your skin plumped up and healthy looking, so use a moisturizer twice a day, in the morning and before bed. Which ones work best? To find out, volunteers tested both day and night creams to see how well — and how long — they hydrated the skin. At each of three readings throughout the day, our chemists tested the volunteers' skin with our Corneometer (an instrument that measures moisture levels in the top layer of skin). We also asked about the creams' scents, textures, and usability.

THE RESULTS

Olay Definity Intense Hydrating Cream (\$28, drugstores) was the highest-scoring day cream in our tests. Lancôme Absolue Premium Rx Night Recovery Cream (\$132, department stores) and Aveeno Positively Ageless Rejuvenating Night Cream (\$20, drugstores) tied for first place in the night cream category.

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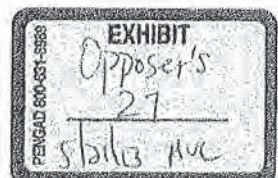


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The New Aveeno Positively Ageless Lifting and Firming Line.

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In the spirit of Leap Year and having an extra day, Aveeno took a survey.

They are now releasing these results from their Nationwide "Extra Day" Survey. More than 1,000 American women were surveyed about their views on aging, individual beauty, and what exactly they would do if they had an extra day in the year to do what they please.

The major issue to come out of the survey is that it is apparent that the older a woman gets, the less amount of time she spends on beautifying herself. The survey revealed that after 45, women claim to spend less than half an hour on beauty in increasing numbers. Interestingly, women aged 45 and older are also increasingly likely to say that they feel "less beautiful" with the ticking of the clock.

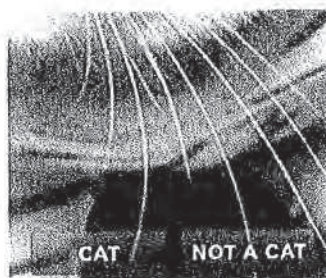
So, yes, the women wanted the extra day to spend on themselves and beautify!

X 2/28/08

"These survey results have confirmed how important it is in this day and age for an anti-aging products to work harder, and last longer," says Alissa Hsu Lynch, Group Product Director of AVEENO®. "The new AVEENO® POSITIVELY AGELESS™ Lifting & Firming line delivers clinically proven anti-aging results and requires little extra time out of a woman's day. In fact, the POSITIVELY AGELESS™ Lifting & Firming Night Cream in the line features an ACTIVE NATURALS® formula comprised of the Natural Shiitake Complex and a special Wheat Protein to fight lines and wrinkles while lifting, firming and strengthening skin elasticity during sleep, leaving more time in the day for women to focus on what really matters."

Anything to ease up on the routine and is proven to work sounds great in my book.

Has anyone tried anything from this Aveeno line yet?



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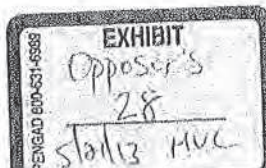
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By Emily A. Smith

From acne products to night cream, here are our picks for the best products for your face.

Best Multipurpose Moisturizer

Aveeno Positively Ageless Living & Firming Daily Moisturizer SPF 30, \$19.99, [drugstore](#).

This quick-absorbing formula contains wheat protein to firm skin, shiitake mushroom extract to boost collagen and sunscreen agents that protect against damaging UVA and UVB rays.

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- Quilivant XR is a prescription medicine used to treat depression.
- You or your child have heart problems including past or present heart disease, heart failure, or other heart problems.
- You are pregnant or plan to become pregnant. It is not known if Quilivant XR will harm your unborn baby. Talk to your doctor if you are pregnant or plan to become pregnant.
- You are breastfeeding or plan to breastfeed. Quilivant XR passes into your breast milk. You and your doctor should decide if you will take Quilivant XR or breastfeed.

People's serious side effects of Quilivant XR are heart-related problems and mental problems, as well as slowing of heart rate.

Quilivant XR is a Schedule II controlled substance. It may be habit forming and should be used only as directed.



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7

Not my favorite Aveeno facial moisturizer

luckybety

Reviewed

It seems to help my skin feel a bit tighter and tauter, it is not really greasy, but it still leaves an oily feel and it has not reduced any fine lines. This moisturizer is more suitable for the dry skin type. Thus I won't probably buy this again, but if I do, I will buy their water moisturizer which has SPF.

This review is helpful. Not helpful. (0 of 2 people found this review helpful)

10

Creamy and Moisturizing

leo1992

Reviewed

This daily moisturizer utilizes mushrooms, soy, and other ingredients, along with SPF to moisturize your skin during the day. It is very rich and that is great for dry, aging skin. But if you have oily skin, it may feel pretty heavy. My skin has gotten drier as the years go by, so I love it, but for a moisturizer during the day, you might find it a little thick. It's more of a night-time consistency. But then you shouldn't need the SPF would you? Haha. Overall, Aveeno is top-notch when it comes to science. Their products serve those with sensitive, reacting skin well. You don't pay through the nose, and yes, they use recycled materials in their packaging so be sure to recycle the package!

This review is helpful. Not helpful. (1 of 3 people found this review helpful)

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10 of 20 Best Moisturizers Reviewed



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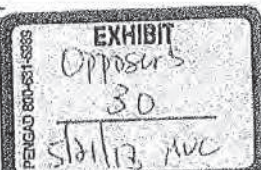
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The Best Budget-Wrinkle Smoothers

For Sensitive Skin

Aveeno Positively Ageless Night Cream

its nonirritating restorative complex of three mushroom extracts helps gently brighten dull skin. Testers loved its calming scent, which was "nice for bedtime."

To buy: \$20, at drugstores.

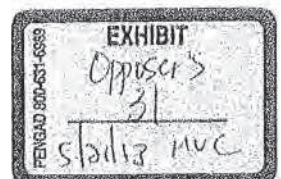
NEXT: For Normal to Dry Skin



Chris de la Torre

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Overnight Sensations

By Warren Newman, M.D., Dermatologist
with David S. Rabin

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You know that saying "You snooze, you lose"? Well, nothing is further from the truth when it comes to skin care. In fact, nighttime is the right time to repair aging skin and keep it ultra-moisturized. During the day skin is in protection mode—it's busy fending off environmental aggressors like sun, wind, and pollution," says Jeannette Graf, M.D., a dermatologist in Great Neck, NY. At night, while you rest, your skin has time to replenish. This is when it does the bulk of its repair work, such as creating new cells and mending or shedding old, damaged ones, says Dr. Graf.

Your skin makes the most of any creams you apply at night too. Because it gets warmer then, products penetrate more deeply, yielding faster results, explains David Bank, M.D., a dermatologist in Mount Kisco, NY. This is a huge plus in the winter, when skin loses more than 25% of its ability to hold in moisture. That drop means a slowdown in skin turnover that leaves your complexion looking dull. For 40-plus women, who often already have dry skin, that can really ratchet up the problem—especially, if you're also using ingredients that can irritate skin, like retinoids to control acne and aging. But don't give up on having a soft, smooth, fresh-faced glow. Our guide to choosing the right night cream goes beyond restoring lost moisture; these pm perfects also contain potent anti-agers that rejuvenate skin. Just pinpoint your main complexion concern and preferred texture—balm, cream, lotion, gel, or serum—and prepare to get the skin of your dreams.

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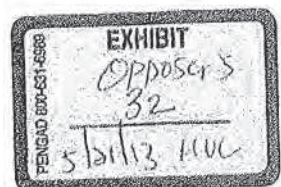
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How to shop like a dermatologist

You Want INTENSIVE CARE FOR DRY SKIN

If your skin is tight, rough, and flaky, it's time to sub a mega moisturizer for your regular nighttime product. Key ingredients for dehydrated skin include fatty acids such as linolenic or linoleic acid, and ceramides to repair skin's natural moisture barrier; hyaluronic acid and glycerin to attract water to the skin; and petrolatum, mineral oil, and dimethicone to seal it in. Stick with balms or creams, most lotions aren't hydrating enough for dry skin. And remember, regular use is a must. 'Moisturizers can control dry skin, not cure it,' points out Mary Lupo, MD, a dermatologist in New Orleans.

BALMS AWAY

Collective Wellbeing Night Balm (\$27, collectivewellbeing.com) contains echinacea to stimulate production of skin-smoothing collagen, plus lavender to help lull you into dreamland. La Roche-Posay Substiane Daily Replenishing Care for Mature Skin (\$52, laroche-posay.us) features Pro-Xylane, a sugar molecule that firms and hydrates skin.

CREAMS OF THE CROP

The rosehip oil in SkinCeuticals Emollicence (\$57, skinceuticals.com) is a gentle natural source of anti-aging retinoic acid. Boots No7 Lifting & Firming Night Cream (\$20, Target) contains peptides to smooth skin and prevent sagging.

SUPER SERUMS

Unlike heavier creams and balms, serums can be used during the day, under your SPF and foundation. For an instant surge of moisture, try Vichy Laboratoires Equale Thermal Serum 24Hr Hydrating Concentrate (\$29.50, vichyusa.com) and Philosophy When Hope Is Not Enough Replenishing Oil (\$45, philosophy.com).

Editor's Picks: The best beauty products of 2010

You Want LESS SENSITIVE SKIN

If you suffer from rosacea, a condition that makes your skin prone to flushing and blushing, or your skin just normally stings and turns when you apply products, you need a night cream that cooies your complexion. Fragrance aggravates sensitivity, so look for fragrance-free products, which means no scent has been added. Don't be surprised, however, if a fragrance-free product has an aroma—that's often from natural soothers such as lavender oil and rose oil. Also essential: ingredients proven to ease irritation. Some UVPs include coffeeberry, green tea, and vitamin C, antioxidants that help lessen lines and fade brown patches.

BALMS AWAY

Ultramollient Eau Thermale Avène Tolerance Extreme Cream (\$36, dermstore.com) has an airtight cap that eliminates the need for preservatives, another potential skin aggravator. Vichy Laboratoires Equale Thermal Mineral Balm (\$32, vichyusa.com) contains water rich in selenium, a mineral proven to reduce inflammation.

CREAMS OF THE CROP

Ayena Positively Ages's Night Cream with Active Naturals Natural Shilite Complex (\$20, drugstore.com) features mushroom extracts that slough dead cells to enhance luminosity. Boscia Restorative Night Moisture Cream (\$48, sephora.com) is loaded with botanical extracts—willow herb, rose, and mulberry—to quell inflammation and brighten skin.

LOTIONS YOU'LL LOVE

CeraVe Facial Moisturizing Lotion P11 (\$14, drugstore.com) is packed with niacinamide, a B vitamin that reduces redness and minimizes dark spots. Dr. Lupo also recommends using coffeeberry, found in Proin CoffeeBerry Night Complex (\$84, proin skincare.com for buying info), during the day, under SPF to squelch UV-induced free radicals.



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By Hesthiguro

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SUPER SERUMS

Those with vitamin C—like Murad Sensilira Skin Soothing Serum (\$49.50; murad.com) and Paula's Choice Resist Super Antioxidant Concentrate Serum (\$26; paulaschoice.com)—ramp up collagen production and tone down discoloration.

100 Ways to look younger— instantly!

You Want: A MOISTURIZER THAT DOESN'T MAKE YOU BREAK OUT

It's easy to think you don't need a rich night cream when you're battling blemishes. But after age 40, everyone needs extra hydration in the winter—especially if you're also using drying acne treatments. Your mission: Choose a product that quenches skin without causing pimples. It's not enough to opt for noncomedogenic products, which means they won't block pores, says Dr. Bank. Scan the ingredients carefully for oil in any form—even some natural oils like safflower oil can trigger breakouts. Hydrators to look for include hyaluronic acid, glycerin, and dimethicone; even alpha hydroxy acids such as lactic and glycolic acids, which exfoliate dead cells to clear pores, are mildly moisturizing. Skip heavy balms, which usually contain oil. A new category of moisturizer is ideal if you're blemish-prone: hydrogels, which have a lightweight gel base.

CREAMS OF THE CROP

Kate Somerville Oil-Free Moisturizer (\$65; katesomerville.com) contains an algae extract that firms skin while you sleep. Pur Minerals Moisture Infusion (\$34; drugstore.com) minimizes the inflammation of P-acnes bacteria with green tea.

LOTIONS YOU'LL LOVE

Dr. Brandt Blemishes No More Oil-Free Hydrator (\$35; sephora.com) contains peptides to firm, hydroxycinnamic acid to even tone, and salicylic acid to clear pores and make you look glowy. If you're acne-prone and sensitive, DDF Ultra Lite Oil-Free Moisturizing Dew (\$38; sephora.com) provides relief with calming ingredients like aloe and allantoin.

SWELL GELS

To minimize pores, Avon Anew Rejuvenate Night Sapphire Emulsion (\$30; avon.com) taps the power of peptides and salicylic acid. The vitamin E in Garnier Nutritioniste Moisture Rescue Refreshing Gel-Cream (\$8; drugstore) soothes and protects against free radicals.

<http://health.yahoo.net/rodale/PVN/overnight-sensations>

SUPER SERUMS

When skin is parched from acne meds, Epicuren Moisture Surge Hyaluronic Acid Gel (\$28, epicuren.com for stores) and Peter Thomas Roth VIZ-1000 (\$65, sephora.com) flood it with hyaluronic acid—which acts like a magnet to bind water to skin.



You Want AN ANTI-AGING BOOST

If your night cream is marvelous at moisturizing but isn't up to the job of fading brown splotches and reducing lines and wrinkles, you don't need to "switch creams." Instead, pat on an anti-aging serum prior to moisturizing. "Topping a serum with a cream or lotion actually seals in its active ingredients—and reduces the chance they'll rub off on your pillow," says Raneeta Hirsch, MD, a dermatologist in Cambridge, MA. Keep in mind that winter isn't the season to start using a retinoid, which can be an especially drying anti-ager. Better ingredients to look for: peptides, which boost collagen production to plump skin; lactic acid and glycolic acid to speed cell renewal and rev radiance; and brighteners like licorice and vitamin C to fade brown spots.

SUPER SERUMS

MD Formulations Continuous Renewal Serum (\$53, bareescentuals.com) gently polishes skin with glycolic acid. Got sensitive skin? Olay Regenerist Fragrance-Free Regenerating Serum (\$20, drugstores), with niacinamide and peptides, is ideal. To stop early signs of aging, Clinique Repairwear Laser Focus Wrinkle & UV Damage Corrector (\$44.50, clinique.com) calls on peptides, antioxidants, and repair enzymes.

Reverse the aging process!

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Do you need sun protection in the winter?

Updated 2014 By Deborah Boland | E-Content

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Oh Baby! It's getting cold outside. Time to rethink your beauty routine to save face as the weather changes. No doubt, we should all be aware that the sun is one of the top aging factors out there, and we need to make sure that we keep our skin protected daily.

That means applying sunscreen every morning. And here lies the challenge: after several hours, it needs to be re-applied. Once the foundation is applied, the prospect of slathering on more gooey stuff doesn't sound appealing to most of us. (more on this from our Fashion Flasher, **No-Nonsense Beauty**)

This week, our **Fashion Flash** is being hosted by Birthday girl **Staness** from **Menopause Makeover** and is where you can read more on [keeping your skin youthful](#), diet tips, plus size inspiration and other over 40 fashion and beauty topics!

Make sure to leave a comment and send her a birthday wish!



The Glam Gals product pick:

Aveeno, Positively Ageless® Day youth perfecting moisturizer with SPF 30

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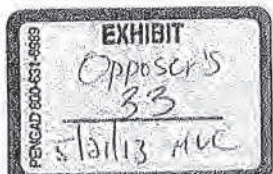
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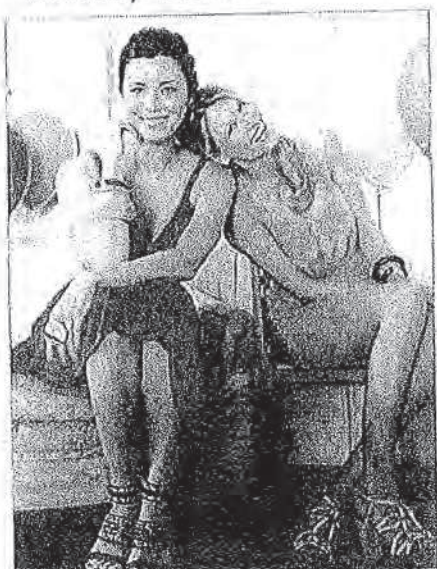


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Erica McConnell

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Slide 1 of 6

By Krista Bennett DeMaio

You'll jump through hoops to keep your body looking young (and you have the legs to prove it), but what are you doing to stave off the signs of aging skin? Here's how to turn back the clock.

Ward Off Wrinkles

Feel as if you need a chemistry degree to navigate the cosmetics aisles? You're not alone. According to Olay, 33 percent of women say that picking out skin-care products is more confusing than filing taxes. Chalk it up to an explosion in the number of products. Plus, the markers of aging are showing up as early as your twenties and thirties, especially if you often exercise outdoors, and that has created a whole new category of creams and lotions, says Tina Alster, MD, a dermatologist in Washington, D.C. But no worries. We've found the top ingredients to battle your most common skin problems and help you look years younger.

Ward Off Wrinkles

Your daily run might do wonders for your body, but it can tax your skin. Sunlight and toxins such as pollution and smoke unleash damaging free radicals. "These can increase inflammation in your skin and cause collagen to break down, paving the way for fines," says Ranella Hirsch, MD, a dermatologist in Boston. But just as you can halt muscle loss by lifting weights, you can help slow down collagen loss.

Your superstar ingredients: Antioxidants. A daily dose can neutralize free radicals before they do harm — and allow cells to repair existing damage. There are a ton of options out there, but the pros suggest sticking with well-studied types, including vitamins C and E, ferulic acid, and lycopene.

How to use them: "Think of antioxidants as being like the vitamin boosts you add to smoothies," Dr. Hirsch says. In the morning, try a sunscreen infused with these agents. At night, use a cream containing collagen-stimulating retinol or peptides to smooth lines.

FITNESS faves: Aveeno Positively Ageless Correcting Tinted Moisturizer (\$20, drugstores) with vitamin C, and L'Oréal Paris Sublime Sun Liquid Silk Sunshield for Face SPF 50+ (\$11, drugstores) with vitamin E.

Next: Fight Spots

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Quillivant XR is a federally controlled substance (CII) because it can be abused or lead to dependence. Keep Quillivant XR in a safe place to prevent misuse and abuse. Selling or giving away Quillivant XR may harm others and is against the law. Tell your doctor if you or your child have (or have a family history of) ever abused or been dependent on alcohol, prescription medications, or street drugs.

Quillivant XR should not be taken if you or your child are allergic to methylphenidate hydrochloride, or any of the ingredients in Quillivant XR, or are taking or have taken within the past 14 days an antidepressant medication called a monoamine oxidase inhibitor or MAOI.

Heart-related problems have been reported with methylphenidate hydrochloride and other stimulants.

Do not use Quillivant XR if you are taking, or have taken, MAOIs within the past 14 days.

Keep Quillivant XR out of the reach of children. See important information about Quillivant XR on the inside of this box.

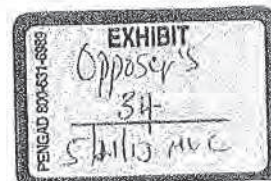
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HollywoodLife.com Foundation & Tinted Moisturizer With SPF

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Posted Tue, March 27, 2012 3:00pm EDT

Add an extra layer of protection into your beauty routine with these tinted moisturizers and foundations with SPF. While these products won't replace sunscreen for a day at the beach, they will do the trick for the office or a classroom. You need to protect your skin from any sun exposure, no matter how insignificant you think it may be! Shop products in a wide range of shades, products with anti-aging properties and antioxidants as well as liquid so sheer you'll feel like you're going bare-faced for the day!

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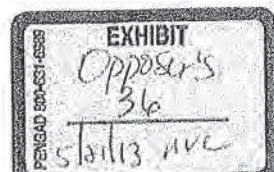
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Makeup Wars: Favorite Waterproof Makeup

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Gouldylox Beauty Bootcamp 102 : How to Get and Keep Great Skin



I often blather about products that can help you get great skin, but sometimes knowing where to start is overwhelming. I'm going to break it down, keep it easy and suggest a few things to try.

You'll need to adjust the basics, based on the kind of skin you have. If you are older, you'll want to add serums and night creams. If you are younger, you'll want to take the best care of the skin you have now. If you've never taken care of your skin before, it's never too late to start! If you have tricky skin (rosacea, painful acne, extremely dry, flaky, or unusual-looking, textured skin), you are going to want to befriend a good dermatologist. Also, never underestimate the power of a great esthetician, a skin care pro who gives facials.

Here is the gist. Cleanse. Treat. Moisturize. Protect. Every day. This means wash your skin, give your skin an anti-aging (or anti-acne, etc) boost, moisturize and wear an SPF. Do it every day. I'll bet you still have questions, on the how and the whens and the whys. So let's discuss.

1. Wash your face in the morning and at night.

Never, ever go to bed without washing your face. As a last resort, better a cleansing cloth than nothing at all.

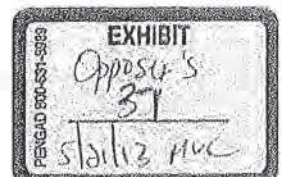
If your skin is dry, wash it with a cleanser at night and rinse it with water in the morning.

If your skin is oily, wash it in the morning and at night. Be sure to change your pillowcase nightly or place a soft towel that you wash daily on your pillow at night.

2. If you want to use a serum, apply it now, after washing, before your moisturizer.

Serums are like high-powered magic for the face. A quality serum soaks into the skin quickly, works quickly and makes a serious difference that you can see and feel very quickly. If you are over thirty, consider adding a serum to your routine. Apply them morning and night or however the directions suggest.

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3. Follow up with a moisturizer that contains ingredients that benefit the skin.

You'll want to look for ingredients like retinol, hyaluronic acid, antioxidants or vitamin C. Pumps are better than jars so look for a pump (or anything you don't stick your fingers into). Apply this after washing your face in the morning and night.

4. If you are over 30, consider using a separate eye cream that addresses your needs.

Fine lines, puffiness, dark circles; there is something for everyone. The skin around the eyes is often one of the first places to wrinkle. Treat the skin around your eyes thoughtfully. Quality eye creams do make a difference. If you are under 30, your daily moisturizer is probably fine as an eye cream.

5. Wear an SPF every day, all day, until the moon comes out.

No treatment, laser or peel can fix as much as wearing a sunscreen can prevent. You need one 365 days a year. If you ever see daylight (even through a window) you need the protection if you want to slow down the aging process. If you don't wear a sunscreen daily, you are throwing away your money on anything you buy to make your skin look better. I can not emphasize this enough.

That's it.

Well, it's not quite that easy.

Don't drink to excess, you'll get puffy.

Don't smoke, it ruins your skin. It's the equivalent of throwing wine on a wedding dress and wondering why it never looks perfect again. It yellows the skin, creates fine lines, damages skin structure and makes you look old.

Get plenty of rest and drink water.

If you use a washcloth, use a clean one every day.

Don't eat junk. Or if you do, eat some vegetables and take a vitamin.

Get some exercise or have safe sex. Or both. Either will boost radiance and make you feel great.

Looking for products? Here are three lines that basically don't make a bad product. Each of these can help you select the product that is best for your skin needs.

Jan Marini:

High end, anti-aging, based in science, relies on research, delivers exactly what you pay for. Their sunscreen is the best ever made. If you can afford it, you can't go wrong with anything in this line.

Mario Badescu:

This line is priced between \$15-50 per product. They don't waste your time or your money. Mario Badescu makes products for all skin types, in all life stages. I swear their Vitamin C serum fades difficult melasma better than any peel, laser or uber-expensive cream.

Aveeno:

This drugstore brand leverages a lot of research to bring you affordable products that perform nicely. Plus, the company as a whole is globally responsible.

<http://gouldyloxreviews.blogspot.com/2013/01/gouldylox-beauty-bootcamp-102-how-to.html>

- Beauty Blog Link Love: Happy Mother's Day!



www.hairextensionsnook.com

Down the road, I'll dive into each one of these steps in a little more detail, but for now, this is a great first step towards improving your skin. Got questions? Ask me! Send me an email or post a question below!

Content: no affiliate links

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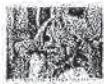
Skin & Beauty



Beauty products for
your 30s, 40s, 50s



Melanoma: How to
prevent, detect it



6 ways to look
better naked



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ways to look better



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Beauty products for your 30s, 40s, 50s

As women age, skin and hair go through changes that require a beauty bag update. Bahar Takhtehchian of Shape magazine shares her picks for products that are essential for women of all ages.

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Skin & Beauty



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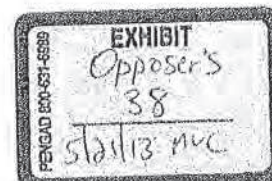


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Woman's Day

Paula Deen's **stay-slim secrets**

**How she's keeping the
weight off for good!**

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36
LBS!**

**PLUS PAULA'S
HEALTHY
NEW RECIPES**



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EXHIBIT

Opposer's
39

still in use



{Winter skin woe}
Ouch! My hands feel rough.

The fix: "Hands take the hardest hit during the winter," says Dr. Mariwalla. They lose moisture with each flu-fighting hand wash or swipe of antibacterial gel. To repair the skin's barrier function, apply a hand cream rich in emollients like shea butter. This will also help cut down on painful cracks along knuckles and frayed cuticles.

Try: Aveeno Positively Ageless Skin Strengthening Hand Cream, \$5.99; at drugstores

{Winter skin woe}
I love my boots but not the calluses they create.

The fix: "The buildup of thick skin on the heels or balls of feet can cause pain," says Debra

Jaliman, MD, author of *Skin Rules*. To soften, apply a foot cream with alpha hydroxy acids to gently exfoliate dead skin cells as it smooths feet.

Try: Pedicure by OPI Smooth, \$11.95; opi.com for salons



{Winter skin woe}
My back is so itchy!

The fix: When it comes to moisturizing, "the back is the most neglected part of the body because it's hard to reach," says Dr. Jaliman. Bar soaps or washes with fragrance (read: alcohol) can zap moisture. It's better to use a creamy, fragrance-free body wash that's made with hydrating ingredients like sunflower seed oil, which stick to skin even *after* you step out of the shower.

Try: Cetaphil Restoraderm Skin Restoring Body Wash, \$14.99; at drugstores



RUN A HUMIDIFIER
 WHILE YOU SLEEP
 TO HYDRATE
 PARCHED SKIN.

{Winter skin woe}
My legs are shedding.

The fix: The good/bad news: "Flakes may not look or feel great, but they are a natural protective covering for the sensitive skin underneath," says Dr. Mariwalla. Instead of peeling or scrubbing away flakes, moisturize skin well twice a day. This will help keep your legs hydrated while they naturally shed the dead skin cells.

Try: Eucerin Professional Repair Extremely Dry Skin Lotion, \$7.99; at drugstores



Date	Product	Publication	Date	A w a r d	Award Category
2007	POSITIVELY AGELESS™ Exfoliating Cleanser	<i>Cosmopolitan</i>	October	Cosmo Beauty Awards	Skin Savers - The Loveliest Lather
2007	Positively Ageless Skin Strengthening Hand Cream	<i>Totalbeauty.co</i>	April	2013 Total Beauty.com Awards	Editor's Pick
2007	POSITIVELY AGELESS™ Daily Exfoliating Cleanser	<i>Natural Health</i>	October	Natural Beauty Awards	Best Cleanser
2008	POSITIVELY AGELESS™ Lifting and Firming Moisturizer SPF 30	<i>Natural Health</i>	*not listed	*not listed	*not listed
2008	POSITIVELY AGELESS™ Lifting and Firming Moisturizer SPF 30	<i>Sheeky's</i>	October	Beauty at its Best Awards	Best Day Moisturizer
2008	POSITIVELY AGELESS™ Lifting and Firming Moisturizer SPF 30	<i>Fitness</i>	*not listed	*not listed	*not listed
2009	Positively Ageless Sunblock Spray SPF 50	<i>Fitness</i>	OCTOBER	Beauty Awards	Best Everyday Body Protector
2010	POSITIVELY AGELESS™ Multi-Defense Daily Moisturizer SPF 42	<i>People en Espanol</i>	APRIL	Star Product Awards	Moisturizer
2010	Positively Ageless Sunblock Face Lotion SPF 70	<i>Sheekys.com</i>	OCTOBER	Best Sunscreen	
2011	AVEENO® Positively Ageless Lifting & Firming Daily Moisturizer SPF 30	<i>Ladies' Home Journal</i>	March	"This Stuff Works" Beauty Awards	Editorial
2011	AVEENO® Positively Ageless Lifting & Firming Night Cream	<i>Jones</i>	April	"Best in Beauty"	Editorial
2011	AVEENO® Positively Ageless Daily Exfoliating Cleanser	<i>Women's Health</i>	June	2011 Beauty Awards	Experts' Picks
2011	AVEENO® Positively Ageless Youth Perfecting Moisturizer SPF 30	<i>Ebony</i>	September	Beauty & Grooming Awards	Experts' Picks
2012	Positively Ageless Resurfacing Scrub	<i>Totalbeauty.co</i>	April	2013 Total Beauty.com Awards	Editor's Pick
2012	Positively Ageless Skin Strengthening Hand Cream	<i>Totalbeauty.co</i>	April	2013 Total Beauty.com Awards	Editor's Pick

